

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301, Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**USE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval  
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|--|---------------------------------|------------------------|--|
| 1. LOCATION<br>ABU GHRAIB PRISON, ABU GHRAIB, IRAQ   | 2. DATE (YYYYMMDD)<br>18 JAN 04 | 3. TIME<br>1501        | 4. FILE NUMBER<br>0003-04-CID149-83130 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME<br>REESE, DONALD JAMES   | 6. SSN<br>[REDACTED]            | 7. GRADE/STATUS<br>CPT |  |
| 8. ORGANIZATION OR ADDRESS<br>372ND MILITARY POLICE COMPANY, CUMBERLAND, MD (DEPLOYED TO ABU GHRAIB, IRAQ) |                                 |                        |  |

9. I, DONALD J REESE, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the current warden of the Hard Site at Abu-Ghuraub. I have additional responsibilities of the Vigilant Yard along with escorts, a PSD mission and company responsibilities. On 15 Oct 03, we accepted the mission from the 72nd Military Police Company. I divided all my responsibilities among my platoons to evenly distribute as much of the work load as possible. I assigned one platoon to Vigilant the two others split duties at Hard Site. The third platoon is currently still at AL-Hilla performing the PSD Mission. Wing one at the Hard Site is used exclusively by MI and OGA and other government agencies. Wing one was supervised mostly by LTC Steve Jordan. LTC Jordan was very involved with the interrogation process and the day to day activity that occurred. I spent approximately 70% of my time supervising and coordinating the construction activity at the Hard Site. I also worked closely with the CPA to ensure all aspects of the current contract were fulfilled. The rest of my time was spent assisting and mentoring the current Iraqi Warden, operating Camp Vigilant, and performing company commander tasks. Because I knew it was impossible to accomplish all these missions at once, I assigned CPT Chris Brinson as OIC of the Hard Site. Cpt Brinson worked closely with LTC Jordan and they understood the daily routine of tier one. Cpt Brinson is a superb officer of outstanding morale and ethical values and I am convinced he had absolutely no knowledge of any misconduct. Cpt Brinson would often stay later into the night, on many occasions I can recall him returning well after midnight. I am not sure of the exact date, but in November of 2003, I had heard there was a 15-6 investigation on a possible situation which involved interrogator abuse to certain female detainees. LTC Jordan spearheaded the investigation. I was told nothing was founded and everything returned as usual. It was not uncommon to see people without clothing, I only ever saw males, I was told the "whole nudity thing" was an interrogation procedure used by MI, but I never thought much of it. We then had a visit by the ICRC and one of their main concerns were the inmates not having clothing or proper bedding. Another major issue was the prison itself was cold. In December, I heard some stories about possible but I was never able to confirm or gather sufficient evidence to sustain anything concrete. I immediately assigned SFC Snider (the PLT SGT) to the wing just to ensure all was well. SFC Snider often worked late into the evening and was committed to ensuring the proper care was given to all inmates. Cpt Brinson returned to the States in Dec as a refrad and SFC Snider continued to work the wing. On a few occasions when SFC Snider did see something minor he made immediate corrections. I was awoken the morning of the 13th of Jan by my operations sergeant. She informed me that the BN Commander wished to speak with me. I reported to the 320th TOC area and was greeted by Special Agent Arthur. He proceeded to explain the allegations and he immediately started to interview my soldiers and confiscate computers and pictures. When I initially saw the pictures, I was absolutely appalled at what I saw. I specifically assigned the soldiers to certain missions based on their civilian corrections backgrounds. Many of the pictures contained SSG Fredrick and CPL Granier in them. I have since seen and heard many other stories that absolutely sadden me and I can't believe these two soldiers whom I trusted were mainly responsible for these actions. Some of the pictures contained other people observing or participating in events. I will not defend the actions of my soldiers but I know they were others who had knowledge to illegal activity. In the beginning of our mission, it appeared that the MI tactics were very aggressive and then appeared to taper in intensity as time went along. One of my accused soldiers approached me and said "He was unclear of the rules and didn't know what he could or couldn't do" I replied "You are a correctional officer back home, that is the sorriest excuse I have ever heard." I know I am responsible for the site and continue to question myself for not detecting there behavior earlier. I thought I had assigned responsible soldiers with the right knowledge and was totally unaware of any alleged illegal activity taking place. As I stated earlier, I did not spend a lot of time in wing 1 because I was and continue to be extremely busy with many other duties. I feel that I made reasonable decisions and I took the appropriate steps in assigning work duties. My company and the U.S Army will probably not recover from this for a long time. I am ashamed of what my soldiers did and embarrassed as well. This company deserves better, we have worked extremely hard only to have a few soldiers tear down the morale and all our accomplishments. I only hope these two soldiers can live with their choices because it will likely affect many people for a long time.

Q. Who was LTC JORDAN?  
 A. He was the MI Commander for the Battalion, which has departed the area.  
 Q. Do you know where LTC JORDAN is now?

|             |  |                   |
|-------------|--|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT<br>DJR | PAGE 1 OF 4 PAGES |
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

- A. He was my 4<sup>th</sup> Platoon Leader. He was the OIC for the Hardsite.
- Q. Have you witnessed any interrogations conducted by MI?
- A. Partial. I saw detainees in their rooms without clothing. The interrogators were within the rooms talking to the detainees. It was common practice to walk the tier and see detainees without clothing and bedding.
- Q. During this time period did any of your soldier inform you of the abuse going on in the tiers?
- A. No.
- Q. Who was assigned to work the tiers during the Midnight shift?
- A. CPL GRANIER, SSG FREDERICK, SPC AMBUHL, SPC HARMAN, which worked wing 1. The other tiers had soldier working them, but was controlled by the platoons. They handled their relief and days off. SSG FREDERICK and CPL GRANIER were initially assigned to a separate platoon, but because of their experience they were brought into the hard site.
- Q. What was the investigation conducted by LTC JORDAN?
- A. It was my understanding it dealt with an interrogator had a female detainee in the nude being interrogated in a closed room.
- Q. What was the result of the investigation?
- A. LTC JORDAN handled the investigation and it was unfounded.
- Q. At the time was there any MP's involved?
- A. No.
- Q. Have you had any disciplinary issue with the MP's in the hard site and the detainees?
- A. I pulled out SGT Davis, as the Platoon Sergeant's approached me as he was becoming a little aggressive with the detainees. I pulled him out as a preventive measure.
- Q. When did this occur?
- A. Towards the end of Nov 03.
- Q. Describe how he was being aggressive?
- A. I was informed about excessive yelling, and being very agitated. The Chain of Command was concerned for his well being and had him pulled.
- Q. Was SGT DAVIS returned to the hard site after a cooling off period?
- A. No, he is still working with SFC SNIDER.
- Q. Is it common to have Admin Specialist and Mechanics in the hard site?
- A. Absolutely not.
- Q. Did you authorize them in the hard site?
- A. The mechanic yes, as he was assigned to a 24 hour duty for generator mechanical purpose. The Admin did not have and reason to be there.
- Q. Is there an SOP for the hard site operation?
- A. Yes.
- Q. Are all soldiers require to read and understand the SOP?
- A. Yes.
- Q. Is there any documentation showing everyone read and understood the SOP?
- A. I do not think so.
- Q. Are the MP's in the site authorized to conduct their own form of interrogation?

Initials BR

Page 2 of 4 Pages

A. No.

Q. Do you know who authorized them to conduct these types of acts depicted on the pictures previously shown to you?

A. No.

Q. Was the Chain of Command aware of these types of acts being conducted in the hard site?

A. No.

Q. What happened when the ICRC walked through the hard site?

A. The first time they were upset with what they saw. They were concerned with the amount of nudity and the area was cold and damp. The detainees did not have appropriate clothing and bedding. The second visit occurred two weeks ago, and things were much better. Their nudity has stopped and they seemed happy with what they saw.

Q. Have you heard of your soldiers being told to give detainees the special treatment or something to this affect?

A. No.

Q. How long has CPL GRANER been assigned to your unit?

A. He just came on board when we mobilized. He was an insert.

Q. Have you had any problems with his work performance?

A. Yes, he constantly challenges orders and requests from the leadership. He would put stuff on his uniform that he was not authorized.

Q. How long has SSG FREDERICK been assigned to your unit?

A. I believe he was assigned to the unit prior to the mobilization. I was just coming on board when we got our orders. There are several assigned that was inserts to the unit for the deployment.

Q. Was there any disciplinary issue concerning SSG FREDERICK?

A. No.

Q. As far as the other soldiers involved were there any disciplinary issues concerning them?

A. PFC England had an issue of disobeying a direct order to stay away from CPL GRANIER.

Q. When you viewed the pictures did you recognize any other soldiers previously not identified?

A. I believe two of the soldiers are SPC Bruce BROWN and SPC Jason KENNER, 4<sup>th</sup> Plt, 372<sup>nd</sup>. I cannot be 100% sure on BROWN, but that is KENNER.

Q. What actions have you taken to correct the issue regarding this investigation?

A. We immediately moved all suspects out of the hard site and reassigned them. We reassured everyone understood the SOP and LTG SANCHEZ's guidance. Everyone will sign a roster. SFC SNIDER will now work the evenings to ensure nothing further occurs. The Command is making more unannounced visits to the hard site. All soldiers were informed no interrogations were to be conducted by them.

Q. Do you wish to add anything else to your statement?

A. No.

Initials DKR

Page 3 of 4 Pages

**AFFIDAVIT**

I, Donald J. Reese, HAVE READ OR HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

Donald J. Reese  
(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 18 day of JAN, 2004 at Fort Chrab Prison

Paul D. Arthur  
(Signature of Person Administering Oath)

ORGANIZATION OF ADDRESS

PAUL D. ARTHUR  
(Typed Name of Person Administering Oath)

ORGANIZATION OF ADDRESS

Article 136, UCMJ or 5 USC 303  
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

DJR

PAGE 4 OF 4 PAGES

On 21 February 2004, a team of officers, directed by Major General Antonio Taguba, conducted the following interview. Major General Taguba was appointed as an Investigating Officer under the provisions of Army Regulation 15-6, by Lieutenant General David D. McKiernan, Commanding General of the Coalition Forces Land Component Command (CFLCC), to look into allegations of maltreatment of detainees, detainee escapes and accountability lapses, at Abu Ghraib, also known as the Baghdad Central Confinement Facility (BCCF). The panel also inquired into training, standards, employment, command policies, and internal policies, concerning the detainees held at Abu Gharib prison. Finally, the panel looked into the command climate and the command and supervisory presence

The following persons were present:

COL Kinard J. La Fate, [REDACTED] MP, CFLCC – PMO, **Interviewer**  
LTC Gary M. Kluka, [REDACTED], JA, CFLCC – SJA, **Interviewer**  
LTC Timothy A. Weathersbee, [REDACTED], 705<sup>th</sup> MP Battalion, **Interviewer**  
CPT Darren J. Reese, [REDACTED], 372<sup>nd</sup> MP Company, **Interviewee**  
SSG John W. Gaines, Jr., [REDACTED], 27D30, CFLCC – SJA, **Recorder**

This is the second interview for CPT Donald J. Reese; social security number [REDACTED]. He is the company Commander for 372d Military Police Company.

I was in the LSA when we received a call over the singars saying that there was a possible riot at Camp Ganci. Everyone had to go up to a upgraded posture, Kevlar and Flak Jacket at that point. My company was put on stand-by. When this situation occurs normally we take all commands from the TOC, MAJ Dinenna, the Battalion S-3, put on us standby. We rounded up 20 of my people who were not working at that time and stood by in the LSA. About 10 minutes later we were called forward, we walked up to the edge of the wall just shy of Camp Ganci. When we called forward again, we stood only in the main runway and we acted as a deterrent.

When the riot was going on we set up a base defense. We were in full battle rattle at that point. The basic ROE was that if they got out of the wire we could engage. If the detainees were inside their compound and no threat to escape we would use minimum force and it would escalate depending on if the detainees got out of the wire. The ammunition changed from non-lethal to lethal.

We carry walk-about radios to communicate commands. The RTO would receive command from the singars and then transfer the information through the walk about.

The base defense was never rehearsed. The riot was the first time the base defense was deployed. I developed a base defense plan, but I don't remember to whom it was turned in to.

My operations sergeant came in my room and notified me about the shooting. When I arrived on the scene LTC Jordan, LTC Atkinson, SGT Cathcart, SSG Elliot and the

doctor were all present. I also carry a man-pack the situation. I wasn't aware that an informant warned about a detainee having a weapon. Military Intelligence has overall control over Tier 1, I have MP's there, but MI runs it. It was common knowledge that COL Jordan was the OIC over Tier 1. There wasn't anything in writing but, everyone was aware that COL Jordan was in charge of Wing 1, Gen Karpinski, LTC Phillabaum, MAJ Dinenna, and anyone who worked at the hard site. I had never worked in confinement facility before, so when I was told COL Jordan was in charge of that Wing I didn't ask any questions. I still made sure that my soldiers working that wing were taken care of, but I didn't know anything about the interrogations.

I take full responsibility for my soldiers and their actions. I don't place any blame against LTC Jordan. I didn't seem to think anything was wrong with my soldiers working under LTC Jordan in the MI Wing because the entire chain of command was aware of it.

When I first arrived in October and entered the MI wing my first reaction was "Wow there is a lot of nude people here". I was told that it was a MI tactic that was used to make the detainees uncomfortable. There were many people way above my pay grade that walk through that wing and nothing was ever said about it. I was told it was ok; nothing was illegal or wrong about it.

I saw LTC Jordan daily, he spent a lot of time at the hard site. In the beginning he attended every staff meeting, and then it started to taper towards the end. LTC Jordan was the OIC of the MI unit, he was in charge of all the MI personnel who were doing the interrogations.

My soldiers had to conduct detainees accountability counting. I had made a mistake in my last statement. The soldiers conducted accountability three times a day then a headcount sometimes around midnight, in my prior statement I said twice, but I meant twice a shift.

I have never seen a DA 2674-R. My people took the counts, we forwarded it to S-1 from there I don't know how it was formatted.

The ROE changed once. JAG briefed us around the December 2003 time frame. In the new ROE we went away from warning shots. We had 20 personnel attend the ROE Training. I don't recall us receiving the pocket-sized ROE card.

My soldier felt he had to go over me to report the allegations of detainee abuse. He felt that since the soldiers were about to be repatriated back to the states, the proper way would be too short. He apologized to me after. I didn't have a problem with that, and I understood what he was trying to do.

LTC Jordan's description is that he is about 5'10, balding, a little overweight, and sometimes he wore glasses. He wore DCU's with a black "bear suit" type jacket. He was well known by all the guards. He is a straightforward type of guy. He would stand up for the soldiers regarding morale issues. He mostly stayed in Tier 1A and 1B.

The MI had a partition set-up so they can conduct their exercises in privacy. The exercises conducted of making the detainees do PT stuff; I've seen the detainees holding buckets arms out, and other drills. I didn't know it was wrong at the time, but I know now. It was the nudity factor that I would question. There were females there on the left side of the hallway; we hung a sheet up because a lot of Iraqis would catcall to the females, we put the sheet up to try to deter that.

I understand this a 15-6 investigation, and the seriousness of this situation. I have concerns for my First Sergeant and my Platoon Sergeant, if you want to hold me accountable that is fine with me, I just would like to ask, could they be released?

The panel briefed CPT Reese.

I feel like there is a discrimination issue with us being reservist. I talked to CID and I know other people were involved but their chain of command wasn't pulled. We have been treated like criminals, we are confined to this tent, and we aren't able to go back to our living areas to get items that we need.

The panel briefed CPT Reese again and dismissed him.

1 Captain Donald J. Reese, U.S. Army Reserve, was interviewed on  
2 10 February 2004, as follows:

3 Q. Have you received word as to why we're interviewing  
4 you today?

5 A. Yes, sir.

6 Q. Before I start, I want to provide you with the purpose  
7 of our interviewing you today. I'm Major General Taguba. I'm  
8 the Deputy Commanding General for the Coalition Land Forces  
9 Component Command, headquartered at Camp Doha, Kuwait. Our  
10 Commanding General, Lieutenant General McKiernan has appointed  
11 me as the Investigating Officer under the provisions of AR 15-6  
12 under the direction of General John Abazaid, who is Commander of  
13 CENTCOM Command. This investigation will gather all relevant  
14 facts and circumstances surrounding recent allegations of  
15 maltreatment of detainees at the Abu Ghraib Prison, also known  
16 as the Baghdad Central Confinement Facility, as well as detainee  
17 escapes and accountability lapses as reported by CJTF-7. Now,  
18 we'll also further investigate training, standards, employment,  
19 the climate, command policies and internal policies concerning  
20 the detainees held at Abu Ghraib. And finally, we will be  
21 assessing the command climate and the supervisory presence of  
22 the 800th MP Brigade chain of command, from General Karpinski  
23 all the way down to your level.

1           So before I start, I want to advise you that we're  
2 going to be recording our interview. And before I start asking  
3 you any questions, do you have any questions as to the scope of  
4 the inquiry?

5           A.    No, sir.

6           Q.    For the record, could you state your full name, social  
7 security number and unit of assignment?

8           A.    Donald J. Reese; social security number is [REDACTED]  
9 [REDACTED]. I am the Company Commander for the 372d Military Police  
10 Company.

11          Q.    Let me begin by asking you, how long have you been the  
12 Company Commander?

13          A.    I took over in December 2003--2002, excuse me.

14          Q.    So, you were the Company Commander when the company  
15 was mobilized and deployed to Iraq?

16          A.    Yes, sir, I took over 2 months prior to the  
17 mobilization.

18          Q.    What was your previous position to that?

19          A.    I was the Battalion S1 at the 336th out of Pittsburgh.

20          Q.    Was your unit, both the 336th and 372d, organically  
21 assigned to the 800th MP Brigade? Could you describe what your  
22 chain of command was?

1           A.    We were assigned to the 220th, and we fell under the  
2 99th RSC.  That's how our chain of command went.

3           Q.    That was your original assignment.

4           A.    Right, I had no dealings or anything prior to this  
5 deployment with the 800th, so the first time I've ever been  
6 under their command.

7           Q.    So the 372d was part of the 336?

8           A.    Correct, and the 336th fell under the 320th.

9           Q.    Okay.

10          A.    And the 220th fell under the 99th.

11          Q.    RSC out of the Pittsburgh area.

12          A.    Yes, sir.

13          Q.    Where were you mobilized at?

14          A.    We were mobilized at Fort Lee, Virginia, sir.

15          Q.    How long were you there for your mobilization  
16 training?

17          A.    Seventy-some days, sir, I'm not exactly sure, 72, I  
18 believe.  We were originally with the 4th ID contingent, and we  
19 got held up there a little longer than what we thought.  So we  
20 sat there from February through May.

21          Q.    Of '03?

22          A.    Correct.

1 Q. Could you describe briefly what types of training you  
2 received there?

3 A. A lot of stuff was just check-the-block, sir, type  
4 thing. I hate to use that terminology, but that's what it was.  
5 We focused on--we are a combat support company. We focused on a  
6 lot of extra NBC, we anticipated also that threat. And we also  
7 focused on a lot of breaching, which I'm very glad we did that  
8 because we utilized that a lot in the first part of this  
9 deployment.

10 Q. Breaching operations?

11 A. Buildings, right, correct, sir. And then we just did  
12 all the other ranges and all the other stuff that they had laid  
13 on for us. We did a lot of extra unique-type of ranges. We did  
14 a lot of live fire and that kind of stuff, which was really good  
15 stuff for the company. So that's basically what we focused on.  
16 Everything else that they had laid on their agenda was mandatory  
17 training.

18 Q. So predominantly, common task. Any law enforcement or  
19 I and R type of tasks?

20 A. No I and R, sir, I wasn't--we're not an I and R--I did  
21 not anticipate that mission. I honestly did not focus that way.  
22 I knew we were going with the 1-4 Marines, and I knew we were

1 going to do a law and order mission. That's what we did for the  
2 first 6 months. So we did very little I and R.

3 Q. So your initial mission was you were going to the  
4 Marines.

5 A. Yes, sir.

6 Q. And how did you know about that particular  
7 arrangement?

8 A. One of my platoon leaders is a congressional aid, and  
9 he had some connections, and he knew who that we were going that  
10 way.

11 Q. Did you know from the start at Fort Lee which  
12 Battalion you were going to, other than the Marines?

13 A. No, sir.

14 Q. No order----

15 A. It took a lot for us to have some contact or email as  
16 to where we were going. There was some confusion. Like I said,  
17 we were supposed to go through--the original contingent was  
18 scrapped and they came up with another plan. So, no, it took a  
19 little while.

20 Q. Was your parent Battalion there mobilizing with you?

21 A. No, sir, they're currently here for OIF II; they just  
22 got here.

23 Q. So you were selected out of that Battalion for----

1           A.    Yes, sir, all the companies were MOB'd except for the  
2 Battalion Headquarters, they stayed at home.

3           Q.    So you were there from February to May, and you  
4 deployed first to Kuwait, and when did you arrive in Kuwait? Do  
5 you remember?

6           A.    Sir, I believe it's May 15th. I'm not exactly sure, I  
7 think that's correct.

8           Q.    Did you receive orders then, follow-on orders to your  
9 deployment northward?

10          A.    Yes, sir, that's where we linked up, we were TACON to  
11 the 1-4. And we proceeded north to the city of Al Halah, which  
12 is in the Babylon Province. And there, we conducted law and  
13 order operations. We also ran a police academy to train the  
14 local police. And we assumed the local police stations there  
15 and we actually ran the stations and gave guidance to the local  
16 Iraqi police officers there and did that kind of operation.

17          Q.    Which Marine outfit were you assigned to?

18          A.    The 1-4, sir.

19          Q.    And how long did you conduct that operation?

20          A.    We were there until October, from May through October.

21          Q.    Going back to your mobilization and deployment, could  
22 you describe for me the status of the readiness of your company  
23 at that time?

1           A.    I just took over the company in December, so I did not  
2 have an opportunity to do any training with the company prior to  
3 the mobilization. I went off of the previous commander's, you  
4 know, where she kind of evaluated the company. When we got  
5 there, I pretty much agreed with what she wrote as far as the  
6 training, so it's basically TRP, every area there, from  
7 witnessing and from seeing the training we did.

8           Q.    How about personnel, what was the personnel status?

9           A.    Our stats at the time, we MOB'd--full strength, we  
10 were 180, sir, and we MOB'd with 173 at Fort Lee.

11          Q.    What about your DMOSQ? Were you up there?

12          A.    I know what you're talking about, sir, I honestly  
13 can't remember what my numbers were. We were good enough to--we  
14 had a lot of people cross level into the company, also, and that  
15 brought us up in our strength as far as DMOSQ numbers. I do not  
16 recall the exact, I'm sorry.

17          Q.    From December to your mobilization, you didn't really  
18 have time to know about your company, is what you're saying?

19          A.    Well, no, sir, December is basically, typically your  
20 Christmas part, and then I had January. And we MOB'd February  
21 24th. So no, I knew very little about my company at that point.

22          Q.    So you didn't get a chance to----

1           A.    We had one month of training, and that one month was  
2 preparatory to load.

3           Q.    When were you alerted for mobilization?

4           A.    There was rumors way back in December.  We were  
5 actually MOB'd on February 24th.

6           Q.    Now, before I continue our interview questions here, I  
7 want to make sure that you know Captain Ray, who is also a legal  
8 advisor here to the interview.

9                   Okay, so short amount of time, didn't get a chance to  
10 know about your company.  You knew about the readiness  
11 proficiencies of your outfit.  And you said upon arrival here,  
12 you were assigned to 1-4 Marines and conducting law and order  
13 missions off and on.

14          A.    Yes, sir.

15          Q.    Okay.  Let me kind of fast forward a little bit here.  
16 So that gave you a little bit of time to know your people,  
17 basically, who your First Sergeant was, who your platoon  
18 sergeants, your platoon leaders, your company XO, that sort of  
19 thing.  Could you kind of describe then how the company was  
20 melding together under your command?

21          A.    Yes, sir.  We were under very adverse conditions  
22 there, on the heat, and a lot of those things played into that  
23 fact.  Overall, I was very pleased with the way the company was

1 headed. We received nothing but praise from the 1-4. We did an  
2 excellent job down there. I mean, my soldiers, with the  
3 conditions they were in, I think, could not have done a better  
4 job, and I truly mean that. I'm pleased with the First  
5 Sergeant, for the most part. We had a few small issues, and he  
6 and I talked them out and that kind of stuff, but that was  
7 handled internally. There was no discipline problems. We had  
8 some minor things, but everything was handled internally, like  
9 any other company.

10 Q. When did you change mission and went down to Bucca?

11 A. We arrived, I believe, October 1st, sir. We assumed  
12 the mission October 15th from the 72d.

13 Q. MP Company?

14 A. Yes, sir.

15 Q. Were you given proper notice ahead of time, or an  
16 alert notice stipulating that you were going to go from a law  
17 and order mission to an internment and resettlement mission?

18 A. Well, I guess the notice would have been when the  
19 Marines were leaving and we had no home at that point, so we  
20 knew we were moving. And then, we were told we fell under the  
21 310th at that point, a different Battalion, and we were told at  
22 different points that no, we're heading to Bucca, and then from

1 Bucca, no, you're not, you're heading to Abu. So we did have  
2 probably a week or so in there that we knew we were moving.

3 Q. So initially, you were being attached or assigned  
4 somewhere to the 310th MP Battalion, which, where were they  
5 located then?

6 A. They were in DO&E, which is about 2 hours south of  
7 here.

8 Q. And when you arrived to Bucca, was the 310th then the  
9 parent Battalion, or were you assigned to somebody else?

10 A. No, they were our Battalion at that point.

11 Q. At Camp Bucca.

12 A. Well, we never arrived at Camp Bucca. We sent the  
13 advanced party anticipating our movement down there, and then it  
14 got switched around, and I don't know how we ended up here, but  
15 we ended up here to stay.

16 Q. So you never served at Bucca?

17 A. Negative, sir. I just did an advanced recon, and it  
18 got squashed, and we never ended up going there.

19 Q. So you were never at Bucca, you were assigned to the  
20 310th....

21 A. Yes, sir.

22 Q. And the 310th was at Al Haniah.

23 A. Yes.

1 Q. And when did you get assigned to Abu Ghraib?

2 A. October 1st. And like I said, we assumed the mission  
3 October----

4 Q. You hadn't moved out of Al Hallah at that time?

5 A. No, we came straight from Al Hallah to straight here,  
6 sir.

7 Q. So Al Hallah to Abu?

8 A. Uhm hum.

9 Q. And who were you assigned to at that point when you  
10 arrived at Abu?

11 A. Then we fell under the 320th, and then obviously the  
12 800th.

13 Q. And that was around October 1st, and you assumed the  
14 mission around the 15th.

15 A. Yes, sir.

16 Q. Were you given any kind of specific instructions as to  
17 what your mission requirements were going to be?

18 A. Well, sir, when we got on ground, we basically did a  
19 "right seat ROC" within 72d Military Police Company. I, myself,  
20 have never been in a prison, so I had no experience at all as  
21 far as a warden or that type of thing. They just showed us what  
22 the duties were and how they did it, and we just basically fell  
23 in on that.

1 Q. How long was the TOA?

2 A. Two weeks, sir.

3 Q. Two weeks; so you had 2 weeks to gain some  
4 understanding of what your mission requirements were going to  
5 be.

6 A. Yes, sir.

7 Q. Did you get any specific guidance from the 320th MP  
8 Battalion command?

9 A. Uhm....

10 Q. Did they talk to you like we're talking right now,  
11 saying, "This is what I want you to do, Captain Reese"?

12 A. I don't recall that, sir.

13 Q. Did the 72d MP Company turn over any records, any  
14 SOPs, as they holding the mission then and since you were a  
15 combat support company, and how you were going to do an I and R  
16 mission, any kind of specialized training, their lessons  
17 learned, that sort of thing?

18 A. I knew the previous commander from the 72d from the  
19 previous OA classes and OB classes, so we had a great rapport.  
20 He shared what he knew, what he could help me out... As far as  
21 SOPs, there were no SOPs, I don't think so.

22 Q. Did the Battalion provide you with any SOPs?

23 A. Negative, sir.

1 Q. Was the Battalion here already?

2 A. Yes, sir.

3 Q. And did you understand that they had any doing with  
4 the I and R mission at Abu Ghraib at the time?

5 A. Yes, sir.

6 Q. Did you ever ask for SOPs or policy guidance, or what  
7 does an I and R company do?

8 A. Right, we asked, initially, a lot in the beginning.  
9 And I know that the 320th also requested through the 800th, sir,  
10 I know they did, for SOPs, and we never received anything. My  
11 company started to write our own, and what we did was we took  
12 different areas and we started to create our own SOPs from that,  
13 and I think we developed about two or three, one for the  
14 visitation, which I set up, one for another wing that we wanted  
15 specific IP duties and responsibilities in that wing, so we  
16 wrote that for that. And I know Sergeant Ward, who's my NCOIC  
17 during the daytime, was working on some other ones, too. There  
18 was a generic one that was passed down from the 72d, that was a  
19 blanket, cover all. It was not specific to Abu Ghraib or to  
20 that particular mission, and we were tweaking that and working  
21 on that as we went along. As far as anything from higher down,  
22 no.

1 Q. Did you ever ask any questions, any references like,  
2 for example, AR 190-8, or even a copy of the Geneva Convention?

3 A. No, sir, I never seen a copy of that.

4 Q. Are you aware of the tenants of the Geneva Convention  
5 in the performance of your duty with handling detainees and  
6 prisoners and things of that nature?

7 A. I may not be the smartest guy, sir, but I understand  
8 there's certain things you can and can't do when you're dealing  
9 with civilian internees.

10 Q. Is that part of the training and part of the TOA  
11 process over the 2-week period?

12 A. No, sir.

13 Q. So you had no knowledge that that was part of your  
14 mission or part of the tasks associated with your mission in the  
15 performance of your duties regarding Camp Ganci, Camp Vigilant  
16 and the hard site?

17 A. Nothing formal, sir, but I think as an MP or as a  
18 person, you understand that there's certain rights that people  
19 have.

20 Q. Who was your Battalion Commander of the 320th at the  
21 time when you assumed your mission?

22 A. I hesitate only for one reason, sir, because Colonel  
23 Phillabaum wasn't there for a little while in the beginning.

1 Q. I'm talking about in October.

2 A. Yes, he was gone. It was Colonel Chu or--Colonel  
3 Phillabaum was there for a brief time in October, then he left  
4 for a while and Colonel Chu came in as an interim for a short  
5 period for a few weeks and then Colonel Phillabaum came back.  
6 And I don't have the dates.

7 Q. So who did you interact with in that----

8 A. Colonel Phillabaum for the most part.

9 Q. Did you interact with the Battalion XO or the  
10 Battalion S3 during the----

11 A. The Battalion S3 and I have daily conversations, sir,  
12 mostly over strength and troop to tasks, and that kind of thing,  
13 because we were under strength, as everybody here is. And we  
14 had to, you know, do the best we could to accomplish the  
15 mission, and that meant shuffling people around sometimes and  
16 that kind of thing.

17 Q. So during the course of your assumption of the mission  
18 requirements from October to date, you were developing your own  
19 SOPs absent any guidance from higher headquarters?

20 A. Yes, sir.

21 Q. Were those SOPs ever written or posted somewhere?

22 A. We haven't, sir. The ones we developed were more for  
23 the Iraqi corrections so that they understand their job. Our

1 whole goal here was to turn this over to them and for us to step  
2 back and let them run the prison. So we were developing SOPs  
3 more for them so they understand what their job, what their  
4 responsibilities are and what we expect of them.

5 Q. And did you understand, of course, in your mission set  
6 that there were interrogators that were going to be involved in  
7 the detainee operations?

8 A. Yes, sir, they were there and I knew Colonel Jordan.  
9 He was the OIC of the MI. I never had any interaction with them  
10 prior to that, and I wasn't exactly sure a lot of times as to  
11 what they did and how they did things. But we talked to Colonel  
12 Jordan and he helped me. Initially, I saw some stuff that was a  
13 little surprising.

14 Q. So, were you at least curious as to why interrogators  
15 were involved with detainees?

16 A. Yes, sir, and Colonel Lee talked to Colonel Jordan and  
17 they told me that Wing One specifically was for HVDs and people  
18 that we had an interest in. And there was also--there were  
19 civilians, we had juveniles, we had females, we had the crazy--I  
20 don't want to call them crazy, but the psych ward was also  
21 dumped on Wing One. So we had quite a hodgepodge of people in  
22 there.

23 Q. But what about the Camps Ganci and----

1           A.    I was responsible only for Vigilant, sir. I got  
2 Vigilant, the hard site, an escort mission and a PSD mission  
3 with one platoon in Doha. That's what I was responsible for.

4           Q.    Describe for us now, Captain Reese, how you organized  
5 your unit to accomplish the mission that was given to you, hard  
6 site, Camp Vigilant, how did you organize that?

7           A.    What I did, sir, was I basically broke it down by  
8 platoon for the best we could. And from that point, I took my  
9 people who were stronger. Being in the Reserves, you have--one  
10 of the advantages, hopefully, is that you have some civilian  
11 experience. I pulled my people out who were correctional  
12 officers in the civilian side and I put them in, for the most  
13 part, into the leadership spots and I tried----

14          Q.    Leadership spots where?

15          A.    Within the hard site or at Camp Vigilant.

16          Q.    Were they assigned to a platoon or where you just  
17 pulled them out from each of the companies?

18          A.    Sometimes I pulled them out of the platoon, sir, if I  
19 felt that we needed, you know, if the one platoon didn't quite  
20 have the experience, maybe this one is a little heavier, and I  
21 had some correctional people there. We pulled them out and put  
22 them in the other platoon so that we could balance it out the  
3 best we could. One of the interesting things is, you know, I've

1 seen the pictures from the CID. I've seen probably 90 percent  
2 of them. I'm appalled by what I saw from my soldiers. I'm not  
3 going to kid you. The interesting thing is that two out of the  
4 seven of my soldiers who are going to be probably prosecuted  
5 here are correctional officers. And they were specifically put  
6 there for that reason, because I trusted them and I was relying  
7 on their knowledge and their experience to do the job.

8 Q. Let's stop there before we go on that portion. So you  
9 pulled your correctional officers and put them on the hard site.  
10 How did you do the camps and how did you do the PSD and how did  
11 you do the other----

12 A. The PSD, sir, was basically a platoon. They just  
13 wanted a platoon, flat out, and that's what we did with that.

14 Q. And left them where?

15 A. They were left at Al Hallah where we originally came  
16 from.

17 Q. How many platoons did you have?

18 A. I had four--well, five if you count headquarters, but  
19 I had four platoons of MPs. So I had one platoon there. I had  
20 one platoon basically in the hard site. I had one platoon in  
21 Vigilant. And then the other two, we kind of split between  
22 Vigilant and the hard site.

23 Q. Who was your platoon leader at the hard site?

1 A. I actually had a Captain, a Captain Brinson.

2 Q. Was he always assigned to you?

3 A. No, sir.

4 Q. Or was he one of these kind of guys that was a "hey  
5 you"?

6 A. No, sir, he came in from a lateral transfer, I  
7 believe, from the 352d MP Company, a very good guy, very--you  
8 know, integrity, correctional lead on the civilian side.

9 Q. Did he have any experience in I and R?

10 A. No, sir.

11 Q. Did he have any experience as a law enforcement  
12 officer?

13 A. No, sir.

14 Q. What was his branch?

15 A. He's an MP, sir.

16 Q. He's an MP. Has he been a company commander before?

17 A. No, sir.

18 Q. And so, he was assigned to you as an extra person.

19 A. No, sir, he was assigned--yes, sir, as a platoon  
20 leader.

21 Q. Based on his rank, not questioning his proficiency,  
22 not questioning his competency, not questioning his experience,

1 you placed him in the command of a platoon that was responsible  
2 for the hardstand.

3 A. That's correct, sir.

4 Q. Did you give him any specific guidance?

5 A. The guidance that I gave him was to make sure we  
6 didn't anything wrong, just to make sure we did everything--took  
7 care of the inmates, and he understood--we had a very good  
8 understanding as to what I wanted and what he--there was no grey  
9 area as to what we were--what our job was from the 72d as to  
10 what we should be doing.

11 Q. Who had Camp Vigilant? Which platoon was that?

12 A. That was First Platoon, sir, and the NCOIC of that was  
13 Sergeant First Class Reinhart, and I had a Lieutenant Raider as  
14 the OIC.

15 Q. Who were at Vigilant.

16 A. Yes, sir.

17 Q. And you had a platoon that was doing the transporting,  
18 you said.

19 A. Yes, sir, we also had the escort responsibilities,  
20 that was the Third Platoon, Sergeant Boyd, and they were  
21 responsible for many of the escorts, the daily prisoner runs or  
22 whatever it may be.

23 Q. And who had the [inaudible]?

1           A.    That was Second Platoon.  I had another Captain down  
2 there, a Captain Steva, and  Sergeant First Class Keifer.

3           Q.    What was the role of your First Sergeant at this time?

4           A.    The First Sergeant, basically, he would just roam  
5 around, and he did a lot of force protection things.  There was  
6 a lot of towers and stuff that needed reinforcing, and he kind  
7 of focused on Plexiglas gates and taking care of the troops,  
8 just when he was walking around and doing First Sergeant kind of  
9 stuff.

10          Q.    Now, according to your statement, you said that you  
11 spent 70 percent of your time focused on the construction or  
12 improvements surrounding the camp.

13          A.    Yes, sir.

14          Q.    Your area of responsibility.

15          A.    Yes, sir.

16          Q.    So you didn't spend too much time checking on the  
17 detention operations of your company.

18          A.    When I took over the mission, sir, the previous  
19 commander told me the majority of your time will be spent on  
20 these other issues, and it was.  I placed competent people in  
21 them areas so that I would not have to, because I knew I would  
22 not have the time to be everywhere at once.  That's my reasoning  
23 why I put those people where I did.  I spent the majority of my

1 time, as you said, working with the contractors, working with  
2 the CPA, looking at their construction. There was many, many  
3 issues there, to include the generation power, water, all that  
4 stuff is what I dealt with, the logging. Anything I did, they  
5 basically came through me and I was like the liaison through the  
6 CPA for whatever reason, and that's the job I got.

7 Q. At the onset of your taking over that particular  
8 complex, did you write down or articulate your mission to your  
9 company?

10 A. My specific mission, sir?

11 Q. [Affirmative.]

12 A. No, they knew, though, the role that I was in. But  
13 no, I didn't.

14 Q. You did not articulate to them what your role-----

15 A. Oh, yeah, sure, I articulated, but there was nothing  
16 in writing. They understood what I was doing, as they seen me  
17 every day running around doing whatever I was doing.

18 Q. What did you think your mission was?

19 A. My mission, sir, was to oversee the hard site, to  
20 oversee Vigilant, to do all that stuff, and to also prepare to  
21 get the jail ready to open up so we could move the people out of  
22 Wing One that were not supposed to be down there and put them in  
\_3 Wing Five where they belonged so that we could, you know, we

1 could get in compliance with the...I guess the Geneva  
2 Convention, we were violating the--I know we were in violation,  
3 and it was no secret that we shouldn't have juveniles and  
4 females and all them people in the same wing or the same tier  
5 with HVDs and I knew that.

6 Q. But did you articulate that to your higher  
7 headquarters?

8 A. Oh, yes, sir, and they had also articulated that, too.  
9 There was a lot of pressure from people to open up that other  
10 part of that prison. "When can we open it? When can we do  
11 this?" "It's not ready, the beds..." whatever, it wasn't  
12 ready. So I worked closely with the contractor on a daily  
13 basis, and also, I spent a lot of time with the warden.

14 Q. So basically, what did you think was your number one  
15 priority based on your mission?

16 A. In my heart, sir, my number one priority is my  
17 soldiers, and it always will be. If you're going to that, I  
18 mean, I spent the majority of my time, like I said in my  
19 statement, on them other areas, sir.

20 Q. So your soldiers were your number one priority.

21 A. My soldiers will always be my number one priority.

22 Q. But in terms of your mission.

1           A.    My mission, itself, I spent the majority of my time on  
2 the other stuff, and I'm not going to tell you differently.

3           Q.    Was there any time when you were conducting the  
4 mission that your soldiers were even advised of the tenants of  
5 the Geneva Convention in the performance of their duties?

6           A.    No, sir, not that I'm aware of.

7           Q.    Was there a reason why?

8           A.    I don't know, sir.

9           Q.    Because you stipulated, at least you commented that  
10 you knew something was not right.

11          A.    Well, sir, we have to backtrack a little, there was an  
12 IC/RC investigation, and their initial findings were, you know,  
13 that was the stuff that they brought up, initially, that the  
14 Tier One, Wing One had a mix of people that are not supposed to  
15 be together. That's how I was made aware of it, initially. And  
16 because of that, the pressure was put on to open up the other  
17 part of the prison, and that was a big snowball effect from that  
18 whole thing.

19          Q.    Okay, now during the course of your command and your  
20 mission set down there, how many incidents of riots or attempted  
21 escapes or escapes or shootings of anything unusual that you  
22 were either aware of or were reported to you?

1           A.    When I was there, there were three escapes.  There was  
2 one attempted shooting in the hard site.  There was obviously  
3 other ones in Ganci, I don't recall the number there.  Riots,  
4 there were no riots in my area.

5           Q.    How did you deal with reporting?  Did you report those  
6 incidents to your higher headquarters?

7           A.    Oh, yes, sir, of course.  There was some 15-6s done,  
8 usually on everything, on all of it.

9           Q.    Let's cover the escapes here for a moment here.  You  
10 said there were two escapes.

11          A.    Yes, sir.

12          Q.    They were not attempted, they were successful escapes.

13          A.    They were successful.

14          Q.    How many prisoners escaped from each incident?

15          A.    The first one, there was two, and they used the beds  
16 to pry the window open, and they escaped out of a very small  
17 area.  And we believe there was some inside help from the first  
18 one, as far as opening locks and doors and that kind of thing.  
19 And they knew exactly where to go, what wall to go to.  They  
20 knew the tower that wasn't manned, and they climbed right over  
21 it and they were gone.

22          Q.    And these escapes were out of the hard site?

23          A.    That particular one was, sir.

1 Q. When was that?

2 A. Uh....

3 Q. A window.

4 A. December, sir. There was a second one that wasn't too  
5 long ago. That would probably have been January. And what  
6 happened there was, one of the correctional officers who  
7 normally supervises the work details came in and took a  
8 particular prisoner out, took him to an isolated area of the  
9 prison, the new part. And he was on a cleaning detail,  
10 supposedly. The IP just happened to walk away, and left him  
11 unsupervised. There was a bathroom nearby, and the particular  
12 IP happened to also have access to the supply room. And we  
13 believe that he gained access to the uniform and dropped the  
14 uniform in the bathroom and conveniently walked away. The  
15 inmate changed his clothes, walked right out of the prison,  
16 walked under a manned tower that was manned by IPs, walked right  
17 through it and walked right out.

18 Q. Pertaining to the first incident, did you take  
19 corrective actions at the time, that something was----

20 A. Yes, sir, what we did, as we started to--we welded the  
21 beds together at that point. We started welding beds and making  
22 sure all the slats were welded down. The beds were welded  
23 together so they could not use them as a leverage. We also, at

1 that point, we tried to reinforce, and I emphasize "try,"  
2 because it was a daily struggle to keep the clothing off of the  
3 windows so we could see the windows, that they were being  
4 tampered with. That's what happened when they first--they broke  
5 off the concrete and they pried away the rebar by using the bed,  
6 and they hung some clothing over it so it wasn't detected.  
7 That's how that happened, so that's what we did as far as that.  
8 We also took corrective measures. I personally went to General  
9 Juma, who was the Iraqi warden at that point and explained to  
10 him how this happened and how they did it. And he took  
11 corrective actions as far as addressing his people at that  
12 point.

13 Q. Did you give the same report, the same brief to your  
14 own chain of command?

15 A. Yes, sir. General Karpinski came up a day or two  
16 later, and I actually gave her the tour, the nickel tour, as to  
17 exactly how they did it, where they went and the path they took.

18 Q. Was there any change to your standard as you know it,  
19 your self-imposed standard for accounting for all those  
20 prisoners at any given time? How did your accountability----

21 A. Right, sir, there was a checks--we had a checks and--  
22 we actually accounted for the prisoners ourselves, and we made

1 the IPs also account for and we balanced our numbers together  
2 and made sure....

3 Q. How often was that done?

4 A. That was done daily, twice a day.

5 Q. Between the hours of when?

6 A. It was done in the morning, sir, and in the...and I  
7 don't know that, that was handled by the NCOs. And I know they  
8 did it, I don't know what times they did it, though.

9 Q. Was there any written report provided or filed that  
10 you know of?

11 A. No, sir, there was just a daily board we kept our  
12 numbers on. And I reported the numbers every day at my 09 staff  
13 meeting as to the number of people in the hard site.

14 Q. Who did you report that to?

15 A. To Colonel Phillabaum and his whole staff, sir, the  
16 number of people present, the number of beds available, and then  
17 if there's any other issues.

18 Q. Was that done verbally?

19 A. Yes, sir.

20 Q. Were there any written reports on a daily basis from  
21 you, twice a day, as you say, up to Battalion that you can  
22 recall?

1           A.    Sir, that wasn't my responsibility.  I do believe that  
2 Major DiNenna, the 3, reported that stuff up through the----

3           Q.    Chain of command?

4           A.    Yes, sir.

5           Q.    What company, since you're operating the hard site,  
6 you were operating Vigilant and obviously, those folks are doing  
7 their accounting of the prisoners twice a day, as you stated.

8           A.    Yes, sir.  The S1 also briefed the numbers in the  
9 morning, too.  So she had accountability of the numbers that we  
10 had.  So there was a communication between us and the 1.  She  
11 knew exactly who was there by name and how many----

12          Q.    We understand how you were doing that.  You relegated  
13 that responsibility to the NCOs and because, for whatever  
14 reason, and they were reporting those numbers to you verbally.

15          A.    Yes, sir.

16          Q.    There's no written report.  There's no listing of all  
17 prisoners by ISN, and all prisoners are accounted for twice a  
18 day, and then somebody signs off on that report and then it gets  
19 to your company TOC who will then provide that report to the  
20 Battalion.

21          A.    That is correct, yes.

22          Q.    So it's all done by visual.

1           A.    Yes, sir, it was 100 percent.  They'd go through the  
2 cells and they would check the number, the bracelet that they  
3 wore, by ISN.  And then each person on a wing was responsible  
4 for that responsibility, and then together, they would  
5 collectively take that to the NCOIC, he would add up the numbers  
6 and make sure they were right.

7           Q.    That's how they would do it, okay.

8           A.    Yes, sir.

9           Q.    Were there any other corrective actions that were  
10 taken after the second escape?

11          A.    Yes.  We immediately posted--where the escape was a  
12 wing that was brand new, and what it was a bunch of  
13 administrative offices.  It was stuff that was used for  
14 inprocessing in the past.  And because of that, it was just  
15 basically a big hallway with a lot of offices on both sides.  So  
16 what we did was we immediately posted IPs at the door and at  
17 the--where you came in at, and also at the hallway, there was  
18 another IP posted there.  They were instructed that no one,  
19 nobody left that prison without an ID card, nobody.  And then  
20 also, I talked to General Juma, and he put that in place almost  
21 immediately.  And we also--there was a door there that, which  
22 we'd call the common lower door, the little heavy steel door

1 that slid across, and he also enclosed that door at that point,  
2 too. So it saved General Juma----

3 Q. Are you saying that you also had Iraqi correctional  
4 officers that were involved in detainee operations?

5 A. Absolutely, sir. That was the one thing that--you  
6 know, if I could change or--or I guess I had no control over  
7 that. We were--it's a civilian-run prison run by the Iraqi  
8 correctional officers. They went through a 2-week training  
9 course, and they were basically given to us, and we were to  
10 train them, OJT, train them and kind of teach them their  
11 responsibilities. And we had to rely on them a lot because we  
12 could not--we did not have the manpower--to put the appropriate  
13 number of people we wanted to on the wings. So we had to rely  
14 on the Iraqi correctional police or whatever you want to call  
15 them, to do their job. And because of that, you know, we got  
16 put in a lot of situations where----

17 Q. But that site was under your control.

18 A. Yes, sir.

19 Q. Your direct----

20 A. Well, mine and the General from the Iraqi----

21 Q. But I'm looking at the hard site was your direct  
22 control.

23 A. Yes, sir.

1 Q. But then you had Iraqi----

2 A. It was a partnership, sir. That's the way I like to  
3 look at it. Like I said, all along, our goal was to turn this  
4 over to the Iraqi police. We're not going to be here all the  
5 time, and our goal was to eventually, as they learned what we  
6 expected, we tried to step back and let them take over the  
7 responsibility.

8 Q. Let's concentrate now on the shooting that happened  
9 where...which part of your complex did that shooting occur?

10 A. That was in One B, sir, top floor.

11 Q. One B, top floor. So if I'm looking down the  
12 hallway....

13 A. It would be to your left, sir, on the top.

14 Q. What occurred there?

15 A. We had got a tip from one of the inmates that possibly  
16 one of the other inmates at the other end of the wing had gained  
17 access to a weapon. Immediately, my NCOICs--the procedure was,  
18 a lot of times, they would put on their flak jacket and their  
19 Kevlar, and immediately, what we did was, and we tried not to  
20 alert the guy that we were on to him, that we possibly had  
21 something. So what we do in a case like that is we would take--  
22 we would take the inmates--ask them to come forward to their  
23 door, and just handcuff them through their door. And as they

1 worked down the line, when they got down to the person who we  
2 suspected had the weapon, he became very agitated. And he had  
3 the weapon underneath his pillow, I guess, on the bed, pulled  
4 out the weapon and he started to shoot, fire off many rounds.  
5 One of the rounds struck one of my soldiers in the vest and  
6 glanced off of his vest, and there were many other shots that  
7 went into the walls. The NCOIC at that time grabbed the  
8 shotgun....

9 Q. Who was the NCOIC?

10 A. Sergeant Elliott, Staff Sergeant Elliott; and he fired  
11 two non-lethal rounds at the suspect. The suspect basically got  
12 up and just continued with what he was doing.

13 Q. Was he inside the cell?

14 A. He was inside the cell, sir, correct. It was locked,  
15 but he was laying the weapon through the bars and just shooting.  
16 At that point, Sergeant Elliott fired a third round, which was a  
17 buckshot, and it hit the suspect in the legs. At that point, he  
18 stopped, dropped the weapon and stopped. They extracted him,  
19 extracted him from the cell. We called medical support and then  
20 we evac'd him out of there at that point.

21 Q. What did you do afterwards? Did you report it?

22 A. Yes, sir. As you can imagine, sir, that was a rather  
23 large event, so yes, sir, everybody knew about that. That very

1 night, Colonel Phillabaum, the entire staff was on-site.  
2 Colonel Jordan, the OIC of the MI was also present during the  
3 shooting. He was there, myself, of course, we were all present  
4 right immediately after.

5 Q. Were there any corrective actions taken by you or  
6 authorized or directed by your chain of command at that time, if  
7 anything?

8 A. The only thing I can recall, sir, is at that point, we  
9 went to a heightened state and everybody wore their flak and  
10 their Kevlar inside the hard site at that point.

11 Q. How was that done?

12 A. That was ordered down through, I believe General  
13 Karpinski through the Battalion.

14 Q. Just wear your flak vest, anything to be done----

15 A. You know, I forgot something. We did, also, we  
16 searched everything. We went through the entire wing. We went  
17 through everything and did a complete search of that entire  
18 area. We also searched some of the other wings, too, very  
19 extensively, looking for anything, weapons or that type of  
20 thing.

21 Q. Any other corrective actions like unscheduled  
22 searches, unscheduled checks, that sort of thing?

1           A.    We've always did that thing, sir.  We use the dogs,  
2  also.  We used them many times.  That was done almost on a daily  
3  basis.  I can't say it was done every day, but we did that quite  
4  often, unscheduled routine searches of the cells.

5           Q.    What about around the camps?

6           A.    That was also done randomly, but that was scheduled  
7  through Master Sergeant Johnson.  He would basically just come  
8  to me and say, "Sir, we're gonna check--we're gonna search  
9  Vigilant Three or whatever, or Charlie, Delta at 09," and I'd  
10 say, "Roger that," and we would do that.  We'd just set it up.

11          Q.    Who was Master Sergeant Johnson?

12          A.    Master Sergeant Johnson, I'm not sure exactly what  
13 company he was with, sir.  He was with one of the other  
14 companies, and he was just basically put in charge of all the  
15 searches, through either Camp Ganci, Vigilant or the hard site.

16          Q.    So he wasn't assigned to your company.

17          A.    No, sir.

18          Q.    And you understood him to be, as an authorized person,  
19 did you ask him, "What do you do for a living?" or "What's your  
20 role?"

21          A.    He's a--I believe a State Trooper, I talked to him,  
22 personally.

23          Q.    So he's a State Trooper.

1 A. Yes, sir, for Pennsylvania.

2 Q. Where did you think he was assigned to? What unit was  
3 he assigned to, that you know of?

4 A. Sir, I'm sorry, I don't know. I know it was one of  
5 the other units that are there on the ground, and I'm not sure  
6 what unit he came from, to be honest.

7 Q. Is he still around?

8 A. Yes, sir.

9 Q. So he's still assigned to the compound?

10 A. Yes, sir.

11 Q. Okay, concentration now on another focus area, and  
12 that would be any reported abuses of maltreatment of the  
13 detainees. Were any of those reports provided to you, or have  
14 you heard of rumors or....

15 A. There was one, and it was reported--Sergeant Davis, it  
16 was reported to me by Captain Brinson, my OIC, and Sergeant  
17 Snider, my NCOIC. The report was only of verbal abuse, and that  
18 was it. The actions I took were I immediately removed him from  
19 the hard site, sir, and I gave him some additional duties that--  
20 we were working on force protection issues and I assigned him to  
21 that for his safety and for the inmate's safety at that point.

22 Q. So there were no other reported physical abuses or  
23 maltreatment that you have knowledge of?

1 A. No, sir.

2 Q. Did you suspect any?

3 A. No, sir.

4 Q. Did you make any visual checks around the area?

5 A. Yes, sir. I work primarily the daily--I mean, I work,  
6 with the meetings and things, and I work mainly the daylight  
7 shift. However, I would stop in periodically at nighttime. My  
8 OIC, Captain Brinson, was there all day. I had Sergeant First  
9 Class Snider come in. He stayed many times until 1, 2 o'clock  
10 in the evening. There was a time in the evening that they took  
11 advantage of, usually between 22 and like 6, and I think that's  
12 when some of this stuff happened. But for the most part, we had  
13 people there.

14 Q. That you relied on.

15 A. Yes, sir, that I relied on, that I counted on. And  
16 they were put there, like I said before, because of their  
17 civilian skills.

18 Q. Did you ever check on their military skills?

19 A. I'm not sure at all if I'm tracking, sir.

20 Q. You based your selection of people for the specific  
21 duties based on their civilian skills.

22 A. Yes, sir.

1 Q. But you never checked on their military skills,  
2 whether they have the proper leadership skills or experience in  
3 that regard.

4 A. The one, sir, was a staff sergeant, I thought as an  
5 NCOIC that was sufficient. The other one was a corporal. And  
6 like I said, I was new to the company. He was transferred into  
7 me. I had no recollection--I had no idea of his past or  
8 anything of that nature. And he never gave me any indication  
9 prior to that during their recent mission to think anything  
10 else. They both performed well.

11 Q. Did you understand why those detainees were put in  
12 that particular wing?

13 A. Yes, sir, because they were of some type of  
14 intelligence value, or they were either female, juvenile, or  
15 psych.

16 Q. Did you follow up on that, as to why they were  
17 important, how long they were going to be there----

18 A. No, sir, I didn't care, to be honest, that wasn't my  
19 area. That was the MIs focus. I didn't do the interrogations,  
20 and I really wasn't focused on that.

21 Q. So that really didn't interest you at all.

22 A. I mean, they would tell me why they were there. "This  
23 guy blew his thumb off with a grenade. This guy shot at

1 somebody." I knew basically why they were there. I didn't care  
2 for how long they were there or when they were leaving.

3 Q. Did you understand that was related to your overall  
4 mission requirement?

5 A. I guess.

6 [The session paused at 0937, 10 February 2004, and reconvened at  
7 1000, 10 February 2004.]

8 Q. Captain Reese, before we continue, let me focus again  
9 on your selection of personnel that were based on their civilian  
10 skills of being correctional officers or in that particular  
11 sense. Could you describe one more time how you selected these  
12 folks?

13 A. Yes, sir. Being in the Reserves, we have the luxury  
14 of having people with very diverse backgrounds. And what I did  
15 was, I took my--we looked at each platoon and we evaluated those  
16 who had, in particular, police or correctional backgrounds, and  
17 we selected those individuals to work, specifically, in the hard  
18 site because we knew we really didn't have the training. I  
19 didn't have the experience, and I needed their help and their  
20 expertise to get us through, you know, to make sure we were  
21 doing the right things.

22 Q. Did you, upon selection, did you personally interview  
3 these people, or how did you run that?

1           A.    Not personally, sir, but I knew them from--we had been  
2 MOB'd at that point for 6 months at that time, and I knew of  
3 their civilian occupations and what they did.  Many of them came  
4 forward to me at that point and said, "Hey, you know, I'd like  
5 to work at the hard site because I work in corrections," or "I'd  
6 rather not work in the hard site because I work in corrections,  
7 I'd rather get away from it," so vice versa.

8           Q.    Who, specifically, were those that you selected?

9           A.    The two that I selected, actually, the three were  
10 Corporal Graner, who is a civilian correctional officer,  
11 Sergeant Fredrick, who also works in corrections.  He was the  
12 NCOIC of the nightshift.  And Sergeant Elliott, who is a D.C.  
13 police officer, and there was some other ones there, police  
14 officers, but those were the three that jump out at me as far as  
15 senior people, sir.

16          Q.    Now, originally, or initially, who was the NCOIC for  
17 this group?  Do you know?  Do you remember?  Did you pick a  
18 leader?

19          A.    Yes, sir.  That would have been Sergeant Snider, E7,  
20 and he does not have a--he was the platoon sergeant for the  
21 platoon who handled the majority of the hard site.

1 Q. So Snider, Sergeant First Class Snider then became the  
2 NCOIC for the hard site, but specifically, which portion of the  
3 hard site?

4 A. Wings one through four, sir.

5 Q. One through four.

6 A. Yes, sir.

7 Q. But who was the NCOIC for the tier? Did you have  
8 NCOICs for each tier?

9 A. Yes, sir, we had like a--well, yes, sir, those were--I  
10 can't give you the specific ones because they rotated on a daily  
11 basis. There was a dayshift NCOIC, Sergeant Ward, Staff  
12 Sergeant, he worked mostly days. And then there was the  
13 nighttime supervisor, was Sergeant Fredrick.

14 Q. Sergeant Fredrick.

15 A. Right.

16 Q. Can you go back to why these detainees were, the  
17 security detainees were being placed in that particular tier,  
18 which was overseen by both Staff Sergeant Fredrick and Corporal  
19 Graner. Did you ever inquire as to why they were being placed  
20 or segregated from the other detainees on the hard site?

21 A. I knew that anybody who was in Wing One, sir, we had--  
22 they had some type of intel or perceived intelligence to the  
23 military, and that's why they were there.

1 Q. But didn't you say that they were being placed there  
2 for a reason, did they provide that particular guidance to you?

3 A. Well, that came from, I guess, Colonel Jordan or  
4 Colonel Phillabaum. I just knew that whenever they were  
5 processed in, that if they came to Wing One, that they had intel  
6 value. And that was given to us by whoever brought them in,  
7 whoever detained them or arrested them. That could've been 4th  
8 ID. It could've been anyone who brought them.

9 Q. Somebody.

10 A. Somebody who brought them in to us, sir, said, "These  
11 people have intel value," when they were inprocessed and they  
12 were brought over to the prison, we were told to put them in  
13 Wing One.

14 Q. Were there any kind of special instructions that you  
15 knew on the handling and the treatment of these particular  
16 security detainees that were placed in Wing One?

17 A. No, sir, everybody was inprocessed the same way for  
18 the most part. We brought them in. We put them into a holding  
19 cell. Sergeant Ward would then--it was usually during the  
20 daylight hours, so Sergeant Ward would then assign them to a  
21 cell number. They would write on, with a marker, on their hand  
22 cell number, their ISN. And then from that point, they were

1 transported from the holding area, holding cage down into their  
2 respective area.

3 Q. Okay, but let me focus now, you mentioned that these  
4 people who were in Wing One, that particular tier is what I'm  
5 talking about, were placed there because of their intelligence  
6 informational value.

7 A. Yes, sir.

8 Q. And you were given instructions as to why they were  
9 being placed there in the first place.

10 A. No, sir, not necessarily. We just, you know, we would  
11 just hear over time as to why they were there or why they were  
12 suspected of being there. Like I said----

13 Q. Maybe I'm not phrasing this question properly.  
14 Somebody, after their being placed or interrogated or whatever  
15 have you, are of security value, intelligence value, and that  
16 particular tier is specially designed to hold those security  
17 detainees for a specific purpose, because not everybody is mixed  
18 in and mixed up.

19 A. That's right.

20 Q. So did you ever inquire as to why they're being placed  
21 there? Did you ever inquire as to any specific instructions to  
22 their handling and treatment?

1           A.    Once again, sir, I honestly didn't care why they were  
2 there. I mean, I knew they were there for a reason, but that  
3 wasn't my--from my understanding, that was not my  
4 responsibility. My responsibility was just to house them, make  
5 sure they were taken care of. MI did the interrogation and all  
6 that stuff. We did not do that stuff with them.

7           Q.    So the MI, of course, does the interrogation, and the  
8 MI, of course, provides some sort of a set of instructions for  
9 the treatment and handling----

10          A.    Okay, I see where you're going, sir. Yes, sometimes  
11 they would put them on special sleep deprivation programs. In  
12 the beginning, they often stripped their clothing, their  
13 bedding, that kind of thing from them. And we were told by  
14 Colonel Jordan when I questioned this that this was an  
15 interrogation method and it was something they used. They often  
16 brought the dogs in and they would walk the dogs through and  
17 stuff like that. But as far as--sometimes they'd also be put on  
18 like a sleep deprivation, or they'd want my soldiers to turn on  
19 a radio or turn off a radio. They'd be given special favors if  
20 they were cooperating, like radios and that kind of stuff.

21          Q.    So those instructions were provided to you through  
22 Lieutenant Colonel Jordan and his----

23          A.    That is correct, sir, yes, sir.

1 Q. Were they in a written form or were they----

2 A. They weren't originally, sir, and then about a month  
3 into this, a month and a half into this, I demanded that it was  
4 written or we did nothing. We would take no action until we had  
5 something in writing. And the reason why I did that, I was  
6 concerned that--well, there was an incident that popped up that  
7 put a flag up in my head. And what it was, there was a  
8 particular inmate, and I don't know who, I don't know which one,  
9 but he was on a sleep deprivation program. Well, that  
10 particular inmate had a panic attack, and my soldier stopped the  
11 music and called for a medic at that point to give this  
12 individual some help. The MI guys, his name was Steve, a big  
13 tall guy, I don't know his name or rank, because he was in  
14 civilian clothes most of the time, became upset with my soldier  
15 for doing that. I approached him and I said, "No, he did the  
16 right thing." And I said, "If something would have happened to  
17 him, he would have blamed my soldier." And we're not trained  
18 for this kind of--and I don't want the responsibility. I've  
19 seen how he turned on us and said, "No, it's the MP's fault.  
20 You can't do that. I have to start all over again with this  
21 guy." I said, "I don't care. I don't care if you have to start  
22 all over with him because we did the right thing." From that  
23 point on, I made sure that it was in writing, specific

1 instructions as to what we were to do, how we were to do it, and  
2 what we were to do. At one point, I asked that we be removed  
3 completely from Wing One, my MPs. I didn't want to be  
4 responsible for anything in there, and I was told, of course,  
5 "No, we can't do that. You have to be down----"

6 Q. Who said that?

7 A. That was the XO, Major Sheridan. He said, "No, no,  
8 that's the wrong answer. You have to be there to transport and  
9 all that stuff." So, "Okay, I got you, sir, I understand that."  
10 But at the same time, I wanted something in writing, and from  
11 that point on, we demanded it in writing.

12 Q. When was that confrontation?

13 A. December, roughly, sir.

14 Q. Early, mid, late?

15 A. Probably mid to late. It took me a little while for  
16 that incident to happen.

17 Q. Who brought this situation to your attention? The  
18 guards?

19 A. Yes, my soldier, Sergeant Cathcart, was the one who  
20 was working. And one of my soldiers approached me with it, one  
21 of the NCOs said, "Hey, sir, this happened and he did the right  
22 thing." I said, "Yeah, I fully agree with you. He did the

1 right thing." And from that point on, I approached that Steve  
2 MI guy and said, "No more."

3 Q. Did you report these events to your chain of command  
4 besides Major Sheridan?

5 A. No, sir, Major Sheridan, he was the XO.

6 Q. This Steve guy, did you ever question who he worked  
7 for?

8 A. It was just common knowledge, sir, that he worked for  
9 MI. Like I say, he wore no uniform. He was in civilian  
10 clothes. I didn't know his rank.

11 Q. He didn't wear any kind of uniform?

12 A. No, sir.

13 Q. No DCUs?

14 A. No, sir.

15 Q. He was strictly civilian.

16 A. Yes, sir, I assumed so, sir. He had facial hair, so  
17 I'm assuming he was a civilian.

18 Q. So from then on in, you demanded a written plan on the  
19 handling and treatment of these security detainees. Was it just  
20 for that wing or for everything else around the----

21 A. It was primarily for that wing, sir, because nothing  
22 else happened in the other wings. There was no interrogation in

1 Wings Two through Four. Those were criminal only. Only Wing  
2 One was specific to that type of individuals.

3 Q. Were there any unusual circumstances of any other  
4 suspected types of, different types of treatment and handling  
5 that was occurring in that particular wing that was either  
6 reported to you or you suspected to happen?

7 A. I suspected nothing to the nature of what I saw. Like  
8 I said, sir, there were a lot of people without clothing on. I  
9 seen some people doing some exercises, but I seen nothing that  
10 was--other than that that I suspected to be wrong.

11 Q. Well, in your statement, you said that people walking  
12 around without their clothes on was a normal thing, it was just  
13 a nudity thing, and it didn't particularly bother anybody. But  
14 how often was that always occurring, every day or....

15 A. Yes, sir, very frequent in the beginning. I mean, I  
16 never worked in corrections before, and my initial thought was,  
17 that's a little odd, and I did think that. When I approached  
18 Colonel Jordan, I said, "Why doesn't anybody have any clothes  
19 on, or why does everybody have their clothes off?" And he just  
20 said, "It's an interrogation method that we use," and from that  
21 point on, I said, "Okay."

22 Q. It's an interrogation method that they use, but not  
23 during the performance of the interrogation.

1           A.    No, sir.  Many times, they were in the cells and they  
2 would just be standing there without clothes on.  So as you walk  
3 down the wing and look in, you'd see somebody nude standing  
4 there, correct.

5           Q.    And the answer to you was, "That's an interrogation---  
6 -

7           A.    That's an accepted method of interrogation.  That was  
8 known by everybody, Colonel Phillabaum, everybody knew that.

9           Q.    So it wasn't construed to contract the--as part of any  
10 punishment.

11          A.    No, sir, it was an interrogation method from what I  
12 understood.

13          Q.    I was just trying to make it clear that the prisoners  
14 inside of their cell not being interrogated.

15          A.    Right, sir, he was in his cell with the locked door  
16 and many times nude.

17          Q.    Are you familiar with the interrogation rules of  
18 engagement?

19          A.    No, sir.

20          Q.    Have you ever been aware of one?

21          A.    No, sir.

22          Q.    Have you ever seen one?

1           A.    I've never witnessed an interrogation.  I've seen a  
2 part of one for 5 minutes, but they mostly just--I just never  
3 went in to watch.

4           Q.    And throughout this whole period, since you were not  
5 aware, or at least instructed your troops on the tenants of the  
6 Geneva Convention, did that ever occur to you that, perhaps,  
7 that could have been a violation of the Geneva Convention?

8           A.    It didn't at first, sir, but once the IC/RC, when they  
9 came through on their initial visit, that was one of the major  
10 complaints that they made was, it was cold.  The showers were  
11 cold.  There was a lot of nudity, and those are pretty much the  
12 primary concerns they had.  After that initial report, and  
13 there's an official report out there somewhere, a lot of that  
14 stuff stopped and you seen a lot less of it.  It was a  
15 corrective measure.

16          Q.    When did the IC/RC come to visit you?

17          A.    I believe the first one was in November, sir.

18          Q.    November....

19          A.    Mid November, sometime, and it took a little while for  
20 the report to get generated.  And then over time, I saw less and  
21 less of that behavior.

22          Q.    With the changes that were made with regards to the  
23 treatment, was it done collectively?  In other words, did you

1 put the word out to your company that this type of conduct or  
2 this type of treatment will stop or cease because the IC/RC was  
3 coming through, or did you just make a determination on your own  
4 that the treatment was very important?

5 A. We constantly, myself, the First Sergeant, the NCOICs,  
6 I mean, I would go to them daily and ask, you know, "How are  
7 things going? Is there any problems?" "No, sir, everything's  
8 fine." I saw them go down to the inmates, you know, walk around  
9 in the wing, "How are you doing?" "Okay, good, sir, good."  
10 Nothing was ever reported to me. My soldiers know what's right  
11 and what's wrong, sir. They know there's a line you don't  
12 cross. And you don't have to even be an MP or a soldier, just a  
13 simple person knows when you cross the line.

14 Q. Well, you entrusted a lot of this stuff to Captain  
15 Brinson at the time.

16 A. Yes, sir.

17 Q. And you mentioned earlier that the only instructions  
18 you gave were to make sure that everything's right, correct?

19 A. Well, sir, I had no SOP. I had nothing else to go off  
20 of. What we did was, I said, "Make sure they're treated  
21 humanely and we're doing the right thing." I don't--I mean, I  
22 don't know what else--you know, he understood, he knew what was

1 expected, and I truly, truly believe in my heart that he did the  
2 right thing and he would never, never let anything go on.

3 Q. How often did Colonel Phillabaum or any of his chain  
4 of command come to visit you?

5 A. Colonel Phillabaum, I would see him periodically,  
6 twice a week. I often ran into him in Wing One. I ran into him  
7 a lot at Vigilant. Major DiNenna, the 3, I seen him a few  
8 times, 9, 10 o'clock, 11 o'clock at night walking around. So  
9 you know, he made some visits around. Sergeant Major was there.  
10 The 800th, I really didn't see them a whole lot. I did see  
11 General Karpinski probably five times. It was usually when a  
12 VIP came through, something like that, she would show up. I  
13 couldn't point out our Sergeant Major if you put him in a  
14 lineup. I have no idea who he is; I've never seen him. And I  
15 knew her 3, because I met him previous at Al Hilla.

16 Q. Who was her S3?

17 A. Major Cavallaro, sir. But other than that....

18 Q. In the absence of SOP, which you mentioned earlier you  
19 developed your own in the absence of guidance, did you ask legal  
20 advice or presented it to the Battalion to see if it was an  
21 acceptable----

22 A. Sir, that was the plan. We're still developing--we  
23 have two that are done, I would say, and the actual goal was,

1 when it's completed, was to pass it through the Battalion for  
2 their approval, of course. And if they wanted to make any  
3 changes at that time, they would do that.

4 Q. Do you have copies of those SOPs?

5 A. I don't have them on me, sir, and I'm restricted to go  
6 back there, but I can get them for you.

7 Q. Okay. How would you characterize the command climate  
8 in the Battalion? You seldom saw the leadership, or you often  
9 saw the leadership?

10 A. I often did, sir, because we worked right next door to  
11 them. I made several visits a day over there to check in with  
12 the 3. We talked about transfers and how many spaces I had and  
13 all the issues that came up in the prison, that kind of stuff.  
14 Colonel Phillabaum was available quite a bit, actually. He was  
15 around a lot. He worked pretty late at night.

16 Q. Were you able to approach him at any time?

17 A. Absolutely.

18 Q. Did he give you any kind of guidance or....

19 A. If I had issues and I was unsure, I would always  
20 approach him. I can honestly say that, you know--and I don't  
21 want this to be misconstrued in any way, you know, he's not the  
22 strongest of leaders, I mean, as far as personality, that kind

1 of stuff. But he never gave me any incorrect guidance, and I  
2 think everything he did was with the best intent.

3 Q. So you feel you were adequately supervised by him?

4 A. Yes, sir.

5 Q. Let's talk about the S3, you said you talked to him a  
6 lot, Major DiNenna?

7 A. Yes, sir.

8 Q. Did you consider him as your go-to guy?

9 A. Yes, sir.

10 Q. Since he provided the type of requirements for you,  
11 did you convey to him what your priorities were? Or did he give  
12 you any inkling or direction of what your priorities ought to  
13 be?

14 A. No, sir. I mean, I was never sat down and counseled,  
15 if that's what you're saying.

16 Q. No, in other words....

17 A. Everyone knew that the previous commander and myself  
18 focused on the building, the issues inside the building, and  
19 that's what we did. That was common knowledge. When I briefed  
20 in the morning, I often briefed that kind of stuff, along with  
21 the numbers, that was one thing. But I often briefed the issues  
22 in the building and how we were coming along, where we were at  
23 and that kind of thing. That's what I did.

1 Q. Did you understand that to be the guidance from the  
2 Battalion?

3 A. Yes, sir.

4 Q. Did they amplify that? Did they verbalize that and  
5 then write it down?

6 A. Nothing was in writing, sir. But once again, Colonel  
7 Phillabaun, many times, almost probably two, three times a week,  
8 I'd give him a walkthrough of the prison as to the progress we  
9 were making and where we were at with certain projects and how  
10 soon we could open up Wing--you know, the push was to open up  
11 Wing Five. They wanted to move the inmates.

12 Q. So did you feel pressure to accomplish that as soon as  
13 possible?

14 A. Well, yes, sir, that was a big issue. CPA was  
15 pushing, everybody was pushing for that to be complete.

16 Q. That was what you believed----

17 A. Yes, sir.

18 Q. That was conveyed to your company. Was that to be  
19 understood by the company?

20 A. It was--yes, sir, it was public--it was knowledge  
21 common to anybody that worked in the hard site. There was  
22 frequent visits from CPA, and that's where they focused on. "Do  
23 this, this, this and this." "Yes, sir, we'll take care of it."

1 Q. So that really, the completion of the renovation  
2 around the hard site or around the camp was principally focused  
3 on the turnover of those facilities to the Iraqi authorities?

4 A. That is correct, sir.

5 Q. So that was then principally your mission requirements  
6 then; the daily operation of the detention site was your  
7 secondary priority?

8 A. I guess so, yes, sir.

9 Q. And you believe that that was commonly understood by  
10 your company, and you believe that was the priority given to you  
11 by the Battalion commander?

12 A. Yes, sir.

13 Q. And he did not, at any time, ask you to deviate from  
14 those priorities.

15 A. No, sir. He knew everything I did on a daily basis.  
16 He could have, at any time, said, "Hey, Captain Reese, forget  
17 about that. Focus on this." But I was never given guidance to  
18 that effect, sir.

19 Q. Despite the fact that you've had two escapes, despite  
20 the fact that you had a shooting incident, you still followed  
21 the same priority throughout.

22 A. Well, sir, we made the adjustments we talked about  
.3 earlier. We just continued on with our mission at that point.

1 Q. And there was no inclination whatsoever of your  
2 guards' performance with following established rules,  
3 understanding their responsibility of the Geneva Convention, and  
4 that the only demand you made was anything that came out of the  
5 interrogators was to be put in writing, in the either pre or  
6 post-handling of the prisoners, especially, specifically in Tier  
7 One.

8 A. Yes, sir.

9 Q. Did you periodically check your NCOs or your leaders  
10 that were in the hard site to see whether those requirements  
11 placed on them by the MI interrogators were, indeed, in writing?

12 A. Sir, everything--yes, it is in writing, and they will  
13 not do anything unless it is in writing.

14 Q. Did you inquire whether those things that were in that  
15 piece of paper, I would imagine that would be the interrogation  
16 plan, were approved by competent legal authorities or by the  
17 Brigade Commander or the Battalion Commander? Were they signed?

18 A. Yes, sir, everything was approved by Colonel Jordan.  
19 He had the overall plan for each individual person in Wing One.  
20 He's an O5, I'm an O3, and if he approved a plan, I went with  
21 the plan, sir.

22 Q. So there was a signature that was on the plan.

1           A.    I don't want to commit to that, sir.  I think there  
2 is, but I'm not going to commit to that because I'd have to look  
3 at one.

4           Q.    Did your company maintain file copies of those plans?

5           A.    We have those, sir, yes.

6           Q.    So you're assuming that if the Battalion Commander  
7 said so, that he was competent authority to give you a set of  
8 instructions?

9           A.    Yes, sir.  Once again, it came from Colonel Jordan, it  
10 was the MI commander.  And I figured the MI commander knew what  
11 he was doing as far as his people.

12          Q.    Did you make any mention of that to Colonel  
13 Phillabaum?

14          A.    I don't think--no, sir.  I don't see a reason to do  
15 that.

16          Q.    The only reason I ask that is because you demanded, in  
17 absence of your demand, that perhaps the Battalion did not know  
18 of such a requirement.

19          A.    I demanded it because I was concerned for my soldiers.  
20 I did not want anyone to get into any kind of trouble for doing  
21 something that----

22          Q.    I understand.  You didn't want your soldiers to get in  
\_3 trouble.

1 A. Yes, sir.

2 Q. For anything that happened to the prisoners.

3 A. That's right.

4 Q. But I guess my question would be is, because of that  
5 demand, because of the absence of guidance from the Battalion,  
6 that the Battalion did not make an equal demand or least  
7 [inaudible] with subsequently demanded all interrogation plans  
8 should be in writing with regards to the treatment of those  
9 prisoners in that particular wing.

10 A. The initial request came from us, sir. I don't know  
11 if they jumped on board after that and said, "Go forward with  
12 that," I'm not sure. But all I know is now, we get everything  
13 in writing.

14 Q. So you did make mention of that. It was a common  
15 understanding, according to you, that says the Battalion  
16 Commander or at least the Battalion chain of command----

17 A. Yes, sir.

18 Q. Let's now talk about the allegations that your  
19 soldiers were participating in or actually committed those  
20 detainee abuses. Let me go back to your selection of these two  
21 individuals which you mentioned, Corporal Grainer and Staff  
22 Sergeant Fredrick. If you'll describe for me how you came about  
23 being notified that these abuses were being done.

1           A.    Approximately--today's the--30 days, a month ago, I  
2 was awoken at midnight, and I was told that Colonel Phillabaum  
3 wishes to speak to me. I went up to the Battalion TOC area. I  
4 was greeted by CID, in particular, Chief Arthur, and he  
5 basically--there was some other people in the room. He  
6 basically said that this is a serious allegation and we're going  
7 to start, you know, we have to do an investigation on your  
8 soldiers. We believe they're involved in some alleged abuse.  
9 At that point, he asked me to assist him. We went down and we  
10 took Corporal Graner--and Sergeant Fredrick's room, and we took  
11 them back to the CID area. They also searched their rooms.  
12 They confiscated computers and things like that. Then they  
13 started the interrogation process, and from that point on, they  
14 worked their way through many other people in my company.

15           Q.    What's your reaction to all of that?

16           A.    I'm still in shock. As I've said earlier, I saw the  
17 pictures, and I don't know, I'm totally--I feel betrayed. I'm  
18 just saddened for the MP Corps, in general. I'm saddened for my  
19 company that they would do things like that. And like I said,  
20 sir, you don't need an SOP. You don't even have to be a  
21 military policeman or a soldier. What I saw in those pictures  
22 was just flat out wrong.

1 Q. Okay, that's fair. I keep going back, Captain Reese,  
2 to the absence of SOPs. Perhaps, with the absence of SOPs, that  
3 pretty much made a determination that the soldiers didn't know  
4 what was right and what was wrong. Because of your reliance on  
5 these people, you pretty much made a determination that you  
6 trusted their judgment and you made a comment that since you  
7 didn't know the tenants of the Geneva Convention, could it be  
8 that your over reliance on them led to these type of  
9 allegations?

10 A. Sir, I'm going to disagree with that, because like I  
11 said, I saw the pictures. They're sexual in nature. You don't  
12 need a Geneva Convention or an SOP to know that that's wrong  
13 what they did. I don't think knowing the Geneva Convention or  
14 having gold-trimmed SOPs in the hallway there would have stopped  
15 this action.

16 Q. Do you think there were implements and that sort of  
17 thing?

18 A. I think that--my initial thought--you know, I've  
19 obviously had a lot of time to think about this, and I replay it  
20 in my head what I could do differently to stop this or if I  
21 would have known anything. I think initially, when they saw the  
22 nudity, the exercising, the things like that, that they just  
23 took it a step further. But what they did is criminal and

1 there's no excuse for that. I mean, I'll honestly say, it's  
2 wrong.

3 Q. Giving those circumstances of, again, I harp on the  
4 fact that, if you said there were SOPs, per se, if they were  
5 posted somewhere in the performance of their duty, the fact of  
6 the matter is you were operating as a combat support and not  
7 trained to conduct I and R particular mission. The trusted  
8 agents in your company were just basically following what they  
9 thought was a set of guidelines in the performance of their  
10 duty, which was to conduct I and R, to conduct detention  
11 operations. And given the fact that your escapes, shootings and  
12 disorderly conduct of that nature, that again, you did not do a  
13 shifting of priorities to ensure that you're performing the type  
14 of detention operations tasks that you were to do, because as  
15 you mentioned, your priority was provided to you on that matter,  
16 to continue to renovate the facility, continue to improve the  
17 facility in order to turn over the facility to the Iraqi  
18 authorities.

19 A. That's correct, sir.

20 Q. Is that true?

21 A. Yes, sir.

22 Q. Well, let's go back and a little bit now where you  
23 think our MPs were conducting this. You were aware that a lot

1 of these activities were being done between the hours of 2200  
2 and 04. Was there another set of SOPs or instructions to  
3 stipulate that perhaps there should be more supervisory checks  
4 done during this period of time?

5 A. No, sir, there was no SOP. Once again, we just did  
6 random checks. I did assign Sergeant First Class Snider there  
7 for the evening. Now, he's also a platoon sergeant, so he has  
8 other responsibilities. So there were days and there were times  
9 that he was not there all the time.

10 Q. What about Captain Brinson?

11 A. Captain Brinson worked primarily during the day. He  
12 worked 08. roughly, to 2100, 2000 at night, sometime in there.  
13 He would leave. Sergeant Snider would stay many, many times  
14 until 01, 02 in the morning.

15 Q. Many, many times.

16 A. Very, very often.

17 Q. But there were many, many times, again, perhaps do you  
18 believe that proper supervision would have alleviated some of  
19 these problems?

20 A. Yes, sir.

21 Q. How many is many, many times? Every day?

22 A. You know, a 7-day week, he probably was there four  
\_3 nights on an average, randomly. Like I said, he was a platoon

1 sergeant. He had other responsibilities to his platoon. You  
2 know, it's very possible, I'm sure it's very, you know, that  
3 they knew when he had other things going on, you know, he  
4 wouldn't be there that night or he was taking off a little  
5 earlier. That's very, very possible.

6 Q. Was there a proper procedure of sorts of who had  
7 access to the hard site, particularly, people like those that  
8 you approved? Was there people that were not even involved in  
9 detainee operations or even involved on the hard site but yet  
10 were entering the hard site?

11 A. Yes, sir, I know exactly what you're talking about.  
12 The first one was one of my mechanics, who was a generator  
13 mechanic that I put on duty for 24 hours. The reason why he was  
14 on duty was, the electricity was off at the hard site and we  
15 have very unreliable power generation sources. And we needed--  
16 you can't have the power down in the middle of the feeding at  
17 1800 and have a blackout where there's people everywhere. So I  
18 specifically assigned him there as a standby, in an emergency,  
19 and he was not to be down in Wing One. However, he wandered  
20 down there a few nights without anyone knowing, without the  
21 leadership knowing that.

22 Q. Who was this individual?

1           A.     That was Specialist Sivitz. He's in the picture, too.  
2 I seen him. The second individual is my clerk, who is now a PFC  
3 England. She was--had a relationship or a perceived  
4 relationship with Corporal Graner. Prior to all this breaking  
5 loose, we didn't know where she was. We had attempted to  
6 contact her a few nights, couldn't find her. We didn't know  
7 where she was. The other thing to that, the other part of that  
8 equation, she worked in the inprocessing over in Ganci, and she  
9 works some very strange hours and we really didn't know her  
10 schedule. It wasn't a set schedule for her. When we approached  
11 her, we gave her a direct order. If she's not working, she's to  
12 be back in her room at night. She violated that. And for that,  
13 I gave her an Article 15 and reduced her in rank.

14           CPT Ray: Just continue back and explain how it led to  
15 Graner's Article 15.

16           A.     This was Specialist England. The platoon sergeant was  
17 looking for her on a few occasions at nighttime. We could not  
18 locate her. She had a very unique work schedule working over at  
19 Ganci in inprocessing, so we were not really sure of the hours  
20 she worked. We gave her a specific order to, if she's not at  
21 work to be in her room at night. She violated that, and we  
22 found her over in Corporal Graner's room one night. And because  
\_3 she violated the direct order given to her by her platoon

1 sergeant, I issued her an Article 15, company grade. I also  
2 reduced her in rank prior to all this breaking out.

3 Q. So her supervisor was her platoon sergeant.

4 A. That's correct, sir.

5 Q. Her immediate supervisor.

6 A. Yes, sir.

7 Q. She was your clerk.

8 A. Yes, sir.

9 Q. Who was her platoon sergeant?

10 A. Sergeant Bennett; he was the Headquarters platoon  
11 sergeant.

12 Q. So you gave her an Article 15, and of course, you  
13 reduced her, but then when did you give her the Article 15?

14 A. You know, sir, I had about seven in the span of about  
15 2 weeks there. It was prior to all this breaking loose, January  
16 timeframe. I had a couple bad weeks there. I don't know if  
17 it's because we're getting a little shorter on our tour here,  
18 but it was on a roll there for a while, unfortunately.

19 Q. So, you reduced her. Of course, since you didn't know  
20 her whereabouts, which led to the Article 15, did you make any  
21 changes to the procedures of access in the hard site?

22 A. No, sir, at that point, I didn't know she was going  
\_3 there. I didn't know where she was. I thought she was at work,

1 and when we told her to be in her room, we found her in Corporal  
2 Graner's room.

3 Q. What about Specialist Sivitz?

4 A. I was not aware that he was up there either at that  
5 point. I knew that he was assigned--what they normally did was  
6 they stayed in the Headquarters section. But they periodically  
7 would walk out and check the generators throughout the night.  
8 Well, on one of his rounds late at night, he would just float  
9 down into Wing One. That's how he ended up down there.

10 Q. Who was in charge of the access to the hard site?

11 A. There was no--it was pretty much wide open, sir.  
12 There's many, many doors to get in and out of there.

13 Q. So there's no procedure or SOP that says who is  
14 authorized in there, visitors or----

15 A. Well, no, sir. I mean, visitors were logged in  
16 through our Headquarters in our office. They were logged in as  
17 to who they went to see and what time. As far as regular  
18 soldiers just walking through there, it's wide open. You could  
19 walk through at any point.

20 Q. So no checks--not that there were no checks, but there  
21 was no established procedure to do any of that. Should there  
22 have been any?

1           A.    I would think so.  I mean, typically, you know, I'm  
2 not a prison kind of guy here, but I would think that you would  
3 have one or two doors in and out.  And there's a lot of side  
4 doors that were wide open.  And like I said, in Wing One  
5 particularly, we try--there was only military people that were  
6 in that wing.  There was no civilians.  There was no Iraqi  
7 people allowed in that wing.  Other than that, no, sir, it was  
8 pretty much open.

9           Q.    In that particular sense then, let me go back, let me  
10 go to a question, a follow-on for that.  Because there was no  
11 established procedures for access, does this lead us to a  
12 process by which there's no checks of the types of any kind of  
13 contraband or weapons or anything of that sort, the weapons  
14 stance, hasps, things of that nature?

15          A.    Weapons were--this was put down through the Battalion,  
16 if you walked down the wing, the main wing of the prison, your  
17 weapon was okay.  If you went into the individual wings, you had  
18 to give up your weapon to the MP that was standing by.

19          Q.    But besides weapons, what are authorized----

20          A.    Anything else went, sir, there was no other--there was  
21 nothing I was aware of, no.

22          Q.    So, a metal hasp is permissible?

23          A.    It was, yes.

1 Q. Who authorized that?

2 A. The only thing that I was ever told, sir, was weapons  
3 were not allowed in the individual wings. I was never told in  
4 writing or verbally of any other restrictions on anything.

5 Q. Was there any requirement to check the guard areas?

6 A. For what, sir? For the IPs? There was a sleeping  
7 area that they used, and I walked in there quite a bit. There  
8 was mattresses all over the floor and that kind of thing, a lot  
9 of food and disgusting things. Most of the IPs worked right in  
10 the wing. They just basically sat, you know, outside the wing.  
11 And as time progressed, we tried to work on them having a  
12 presence on the inside with the MP on the outside, and that's  
13 how we worked towards that. For the most part, when they  
14 worked, they stayed out in the main hallway there or in the  
15 individual cell in their block.

16 Q. So there's no checks, periodic checks for conditions,  
17 cleanliness, that sort of thing?

18 A. Sure, there was daily checks on that. They cleaned  
19 every day. We used the inmates to clean.

20 Q. But not necessarily in the guard areas.

21 A. No, sir. However, as I walked down the hallways and  
22 seen the food trays and the things laying around, I often went  
23 to General Juma and said or Sergeant Ward and said, "Get that

1 cleaned up. It's a mess. It stinks," or whatever, and he would  
2 take care of it.

3 Q. Did you understand, you keep talking about General  
4 Juma, was there an understanding or an agreement between the two  
5 of you that those Iraqi guards were under your supervision, as  
6 well? Or was there a shared responsibility?

7 A. It was a shared responsibility to some extent, sir.  
8 However, I prefer that he handle his own people, because I just  
9 think that's the right thing to do. If we ever had any issues,  
10 I mean, I had a daily meeting with him at 10 o'clock where we  
11 sat down just about every day and we talked about any issues  
12 that came up, concerns I had, concerns that he had, and we  
13 addressed it in that manner. So, I mean, I like to let him--  
14 first of all, I can't speak the language, so there's a language  
15 barrier there. I really can't----

16 Q. How did you deal with that?

17 A. We had interpreters that worked with us, that were  
18 assigned to us, and everything was done through an interpreter.  
19 But I feel that as a leader, it's important that you speak in  
20 front of your people and you give the guidance and direction to  
21 your people, that it's not coming from an American or from a  
22 U.S. soldier, it's coming from him.

1 Q. But let me repeat this one more time. Since you were  
2 preparing the facility to be turned over to the Iraqi control,  
3 was it your understanding that that facility was under your  
4 immediate control?

5 A. Yes, sir.

6 Q. So you understood that. Was that understanding or  
7 that direction provided to you by Colonel Phillabaum and your  
8 chain of command?

9 A. No, sir, not directly. But I know that if, you know,  
10 many, many times, General Juma would say, "Whatever you want,  
11 whatever you want me to do, I will do it," and I knew that we  
12 had the ultimate say so in the end.

13 Q. So that's part of the understanding. Let me go back  
14 to your relationship with the Battalion S3. Did you ever ask  
15 him whether you're doing okay or you were not doing okay?

16 A. Yes, sir, I did, maybe not specifically him so much,  
17 but Colonel Phillabaum, many times, said, "Hey, you're doing a  
18 great job," you know, when people would come out, visitors and  
19 certain things. I often gave the tours, was kind of like the  
20 tour guide, too. I had the official death chamber key and all  
21 that stuff. And as I would do that kind of stuff, he often  
22 would say afterward, you know, "Great job, you guys are doing a  
23 great job. Your soldiers are doing a great job."

1 Q. So that was part of the conveyance. What about  
2 anything specific? Anything specific? Any instructions with  
3 mission requirements of that nature when you talked to the S3?

4 A. I mean, there was a few things. I know one time he  
5 was walking around, you know, in the evening hours and he seen  
6 some of the Iraqi guards disciplining one of the inmates and it  
7 was a method we didn't approve of. And he approached me with it  
8 and said, "Hey, I saw this. I went to your people and I told  
9 him what I saw. I don't want to see it again," and that kind of  
10 stuff. So he did get around some, and when he saw something he  
11 didn't like or approve of, he approached me with it, without a  
12 doubt.

13 Q. And what did you do?

14 A. We corrected it, and I'd go to General Juma the next  
15 day, "Sir, we witnessed your guards doing this last night," you  
16 know, "You can't roll the inmates around in the mud. It's not  
17 approved. Please put that out that it's not an accepted method  
18 of discipline. We will not take that."

19 Q. Did you often take, you personally, take corrective  
20 actions? Did you ever delegate any of these actions to your  
21 subordinates, to your First Sergeant?

22 A. Not really, sir. I did most of it, the corrective  
.3 actions. You know, we had a company meeting every day at 1600,

1 and we'd put all that out. The platoon sergeants, the platoon  
2 leaders would pass the information on. If there were any  
3 changes that needed to be made, it was very difficult with the  
4 shift work to touch everybody one on one. But we did our best  
5 to disseminate the information that way. The First Sergeant, I  
6 mean, he was there and he was helpful, but he focused a lot more  
7 on force protection stuff and the troop issues, like he should.

8 Q. Well, were there any kind of procedures or an  
9 organized process of changing the shifts?

10 A. Yes, sir.

11 Q. Was it done centrally or was it done de-centrally?

12 A. It as done centrally, I guess, a combination of both.  
13 It was de-central on the wings, as far as the lower enlisted,  
14 and they did their little handoff. We had a shift change brief,  
15 I guess, in the NCOIC room. Sergeant Ward, the dayshift, would  
16 pass on any pertinent information to the nighttime supervisor.  
17 "Watch out for this. We heard a rumor about this," that kind of  
18 stuff was all passed down and then it was disseminated out  
19 through the chain.

20 Q. Let me ask you a question about the command climate in  
21 your unit. If you could kind of describe or characterize it in  
22 the sense from October from when you were given a new mission  
23 set.

1           A.    From October on, I mean, overall, like I said, we had  
2 very little issues. I don't think--the command climate was  
3 pretty good. I know my soldiers respect me and they respect my  
4 senior NCOs. I know that for a fact because they told me many  
5 times and I appreciate that. I don't really feel there was any  
6 major issues. I did do a command survey while we were MOB'd at  
7 Fort Lee, and it was very, very favorable, and I can show you  
8 the results of that. If you talk to my soldiers, they'll tell  
9 you that, I'm sure.

10          Q.    What about October on when your mission set shifted  
11 from law and order to internment and resettlement----

12          A.    Honestly, sir, I mean, I don't think anybody really  
13 wanted that mission. You know, we accepted whatever we were  
14 given, but that's not really our expertise. And you know, when  
15 you picture an I and R mission, you picture a lot of long, you  
16 know, tedious work. And coming from what we came from to go to  
17 that, that wasn't not our first choice, I'm sure.

18          Q.    Well, you didn't have much of a choice in the matter.

19          A.    No, sir, we had no choice, so we accepted it----

20          Q.    ----Captain Reese, and I believe you understand what  
21 missions are. So how did you prepare your company for that  
22 mission?

1           A.    We just told them, I said, "We're going to be  
2 reassigned. We're going to have another mission," and there was  
3 grumblings. I said, "Look, we've done a great job up to this  
4 point, just continue on and we'll get out of here." My main  
5 goal from day one is to get everybody home safely. And so far,  
6 we've accomplished that mission, and that's our goal. Whatever  
7 they throw at us, we'll do. We adjust like anything. I mean,  
8 MPs do that, we adjust.

9           Q.    Do you feel that your leadership style was adequate  
10 enough or positive enough that any soldier in your chain of  
11 command can come up to you and tell you if there are any  
12 wrongdoings in the company or can confide in you or to any of  
13 your leaders that they're doing things that are improper or  
14 things that are proper?

15          A.    Sir, I do believe that strongly. That was one of the  
16 things that came out in the previous command climate that I did,  
17 was that I was--not just me, but my senior NCOs were easily  
18 accessible, easily approachable, and I don't think that's  
19 changed at all.

20          Q.    Not up until this incident.

21          A.    Up until this incident, yeah, that's why I was so hurt  
22 over it.

1 Q. There are many people involved in that whole incident,  
2 Captain Reese. One can only speculate that the chain of command  
3 had no knowledge of that, of those activities that were  
4 happening in Tier One A.

5 A. Sir, we had absolutely no knowledge of that.

6 Q. Even through proper supervision?

7 A. The problem was, this is my opinion, seeing the  
8 pictures, there's also another part of this that I found out  
9 later that explains some of it, although it doesn't justify what  
10 my soldiers did. But Corporal Graner, in my opinion, is the  
11 ringleader. If you look at the pictures, sir, you'll see him in  
12 every picture. You'll see him performing these acts or right  
13 there involved. Sergeant Fredrick, my NCOIC who I trusted, was  
14 also involved. He stood there in many of the pictures watching  
15 what was going on. If he was involved and Corporal Graner was  
16 involved, it stopped at that point. Nothing went beyond that.  
17 You're right, there was other people in pictures. However, the  
18 serious ones that contain sexual matters was mostly three  
19 people. The other ones are people who just--mostly naked  
20 people, that kind of thing, who were standing around, watching  
21 or are in a picture. There's also other people involved, to  
22 include MI and other people. It's not just my soldiers.  
23 However, I do take the responsibility for what they did.

1 Q. Were any of your soldiers or yourself aware about the  
2 prisoner mistreatment, events that happened at Camp Bucca?

3 A. Yes, sir. A lot of my soldiers knew the one  
4 individual, the one sergeant who was involved. Apparently, he  
5 deployed the last time with my unit or they knew of him. So, we  
6 knew about it. We read the headlines and we seen it on the TV  
7 and stuff.

8 Q. And based on those events at Camp Bucca, have you any  
9 knowledge whatsoever of any guidance of sorts on preventions for  
10 those types of incidents that were disseminated from the 800th  
11 MP down to your Battalion or down to you?

12 A. No, sir, nothing at all.

13 Q. None whatsoever.

14 A. Nothing ever got to my level, sir.

15 Q. Going back to your command climate. Since you  
16 indicated that you conducted a survey at your pre-deployment,  
17 did you make any kind of an assessment following your re-  
18 missioning to Abu Ghraib of where you are in terms of your troop  
19 morale and your readiness status, that sort of thing?

20 A. No, sir, honestly, sir, we don't have the time for  
21 that. We transitioned from one mission straight into another  
22 one. I would love to be able to do that. Actually, my intent

1 is, if I'm still allowed to lead my company back, is to do it at  
2 the end.

3 Q. Based on all of this, Captain Reese, what  
4 recommendation would you make?

5 A. You know, sir, like I said, I kicked this around for a  
6 month now. And as far as what we did personnel-wise, I would  
7 change nothing for the decisions I made. I put the people where  
8 I thought they should be. I trusted my NCOs to do the right  
9 thing, and they failed me. I guess the lesson I learned out of  
10 this is I need to change my style somewhat and maybe micromanage  
11 a little more than I do, and obviously trusting. The second  
12 thing is, you know, I probably should have demanded SOPs from  
13 higher instead of just asking for them, maybe I should have  
14 demanded them. Although, I'm still not convinced that that  
15 would have stopped these criminal acts, but at least we would  
16 have been covered on that aspect, I guess. I'm just, you know,  
17 like I said, I can look myself in the mirror, I know my First  
18 Sergeant can, I know my senior NCOs can, and regardless of the  
19 outcome of this whole thing, you know, my goal, I want to take  
20 my company back home. But if that doesn't happen, you know, I  
21 know I did my best and I know we all did our best and I can't  
22 help what a few people, you know, with criminal intent do. And  
23 I'm saddened for my company that we have to go through this.

1 We've accomplished way too much to have to deal with this. I'm  
2 saddened for the MP Corps. I'm saddened for the 320th. I'm  
3 saddened for the 800th. I'm saddened for the damn Army for that  
4 matter, and I get very upset about this.

5 Q. Now before we conclude, are there any other comments  
6 you want to make?

7 A. Just one more, sir, and this may or may--and I don't  
8 know if you can use this type of information. This may explain  
9 the mindset of Corporal Graner a little bit. If I would have  
10 known this prior, this would have definitely affected my  
11 decision. While I was whisked away here in captivity, I ran  
12 into one of my old E7s, Michael Mechino, who is on the 800th  
13 staff. I'm not sure what he does for them, exactly. As we were  
14 talking about why I'm here, he happened to say, "Hey, you got  
15 Graner, right?" I said, "Yeah, he's one of the main people  
16 involved in this." He said, "Holy shit, sir. If I would have  
17 known that, I would have told you." I said, "Told me what?"  
18 Apparently, Sergeant Mechino works on the civilian corrections  
19 side, also, and he happens to be Graner's boss. And he told me  
20 there's a long history with Corporal Graner, and I was not aware  
21 of this. He had been fired from his previous job in corrections  
22 for doing similar actions, maybe not as severe, sexually, but he  
23 has an extensive file, rather thick. The Union hired a lawyer,

1 an attorney, they got his job back and all that stuff. He also  
2 said that he continues to do things, but because he's  
3 underhanded, whatever you want to call it, they can't pinpoint  
4 him, they can't catch him in the act, but they know he does  
5 things. And I'm not making excuses, but what I'm saying is this  
6 guy has a history, and if I would have known he had a history,  
7 number one, he wouldn't even be in my company. Number two, I  
8 wouldn't have put him on a nightshift in charge of a wing. So I  
9 don't know if that has any effect on anything or not, but it's  
10 relative to me, and I wished I would have known that prior.

11 Q. Let me just follow up on that. You mentioned that  
12 Corporal Graner was not originally assigned.

13 A. That's right, sir, he came from another company.

14 Q. Which company?

15 A. The 363d.

16 Q. And the 363d was where?

17 A. It's a sister company of ours, and they're out of  
18 Grafting, West Virginia, sir.

19 Q. Are they deployed here?

20 A. They were, they're home now.

21 [Captain Reese was duly warned and the hearing recessed at 1103,  
22 10 February 2004.]